

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 14, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 13, 1914.

SECRETARIES OF EMBASSIES.

Charles B. Curtis, of New York, lately secretary of the legation and consul general at Santo Domingo, to be second secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice Franklin Mott Gunther, appointed secretary of the legation at Christiania.

Elbridge Gerry Greene, of Massachusetts, to be third secretary of the embassy of the United States of America at London, England, vice Hallett Johnson, nominated to be third secretary of the embassy at Constantinople.

Hallett Johnson, of New Jersey, now third secretary of the embassy at London, to be third secretary of the embassy of the United States of America at Constantinople, Turkey, vice H. F. Arthur Schoenfeld, appointed secretary of the legation to Paraguay and Uruguay.

Louis A. Sussdorff, jr., of New York, to be third secretary of the embassy of the United States of America at Paris, France, vice Warren D. Robbins, appointed second secretary of the embassy at Mexico.

SECRETARIES OF LEGATIONS.

Frederic Ogden de Billier, of the District of Columbia, now secretary of legation to Greece and Montenegro, to be secretary of the legation of the United States of America at La Paz, Bolivia, vice Charles E. Stangeland.

Warren D. Robbins, of Massachusetts, now second secretary of the embassy at Mexico, to be secretary of the legation of the United States of America at Guatemala, Guatemala, vice Hugh R. Wilson.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

William Walker Smith, of Ohio, now secretary of the legation and consul general at Santo Domingo, to be secretary of the legation and consul general of the United States of America at Bangkok, Siam, vice Sheldon L. Crosby.

John C. White, of Maryland, now third secretary of the embassy at Mexico, to be secretary of the legation and consul general at Santo Domingo, Dominican Republic, vice William Walker Smith, nominated to be secretary of the legation and consul general at Bangkok.

UNITED STATES ATTORNEYS.

Frank A. O'Connor, of New Hampton, Iowa, to be United States attorney for the northern district of Iowa, vice A. Van Wagenen, removed.

Thomas D. Slattery, of Maysville, Ky., to be United States attorney for the eastern district of Kentucky, vice Edwin Porch Morrow, resigned.

UNITED STATES MARSHAL.

Harry A. Bishop, of Juneau, Alaska, to be United States marshal, first division of the District of Alaska, vice Herbert L. Faulkner, removed.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Guy H. Burrage to be a captain in the Navy from the 28th day of April, 1914.

Lieut. Commander Irvin V. G. Gillis to be a commander in the Navy from the 1st day of July, 1913.

Garland E. Faulkner, a citizen of Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 5th day of May, 1914.

Joy A. Omer, a citizen of Kansas, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 6th day of May, 1914.

Charles Wheatley, a citizen of the District of Columbia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 8th day of May, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 13, 1914.

ASSISTANT REGISTER OF THE TREASURY.

John Floyd King to be Assistant Register of the Treasury.

RECEIVER OF PUBLIC MONIES.

Edmund James to be receiver of public moneys at Carson City, Nev.

POSTMASTERS.

ILLINOIS.

George H. Luker, Staunton.
Henry J. Richardson, Pecatonica.

MARYLAND.

Thomas Y. Franklin, Berlin.
Oliver C. Giles, Elkton.

MINNESOTA.

Edward A. Purdy, Minneapolis.

PENNSYLVANIA.

Harvey Zeigler, Red Lion.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 13, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we thank Thee for this new day, with its new duties and obligations, hopes and aspirations. Increase our faith and confidence in Thee that with perfect trust in Thy presence we may strive to do something worth while, something that will add to the sum of human happiness, and give strength to our character that we may march on to whatever awaits us with the full consciousness that all will be well. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4158. An act to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

ELECTIONS TO COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to elect some gentlemen to fill vacancies in standing committees of the House.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed to the election of certain gentlemen to fill vacancies on committees. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I move the election of the gentlemen whose names I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the names.

The Clerk read as follows:

JOHN A. KEY, of Ohio, chairman of the Committee on Pensions; C. C. HARRIS, of Alabama, Pensions, Revision of the Laws, and Public Lands; JAMES A. GALLIVAN, of Massachusetts, Foreign Affairs.

The SPEAKER. Are there any other nominations? If not, the vote will be upon the names submitted.

The question was taken, and the Members named were elected.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report an urgent deficiency bill. (H. Rept. 669.)

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I ask to take from the Speaker's table the bill S. 4168, and insist upon the House amendment and agree to a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table Senate bill 4168 and insist on the House amendments and agree to a conference.

Mr. MANN. Is that a private pension bill?

Mr. RUSSELL. It is.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees.

The Clerk read as follows:

Mr. ADAIR, Mr. RUSSELL, and Mr. LANGLEY.

Mr. RUSSELL. Mr. Speaker, I ask the same order in reference to the bill S. 4352.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks to take from the Speaker's table Senate bill 4352, to insist on House amendments, and agree to a conference. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees.

Mr. RUSSELL. Mr. Speaker, I ask the same order in reference to the bill S. 4552.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks to take from the Speaker's table Senate bill 4552 and insist on the House amendments and agree to a conference. Is there objection? [After a pause.] The Chair hears none, and the Chair appoints the same conferees.

MINORITY REPORT ON ANTITRUST BILL.

Mr. NELSON. Mr. Speaker, on behalf of Mr. MORGAN of Oklahoma, Mr. VOLSTEAD, and myself, minority members of the Judiciary Committee, I ask unanimous consent to file minority views (H. Rept. 627, pts. 3 and 4).—

The SPEAKER. On what?

Mr. NELSON. On the antitrust bill reported recently by the full committee.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent, on behalf of himself and certain other members of the Judiciary Committee, to file minority views on the antitrust bill. The Chair would inquire if that bill has been reported?

Mr. NELSON. The bill has been reported.

The SPEAKER. The gentleman asks leave to file minority views.

Mr. NELSON. I would like to say it is on the so-called Clayton bill on antitrust subjects.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, is there any time limit fixed in which these views must be filed?

Mr. NELSON. I intend to file them at once, to-day.

Mr. BORLAND. Forthwith?

Mr. NELSON. Yes.

CALENDAR WEDNESDAY.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This is Calendar Wednesday and the unfinished business is House bill 15578.—

Mr. WINGO. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WINGO. To make the point of no quorum.

The SPEAKER. The gentleman makes the point of order that no quorum is present, and the Chair will count. [After counting.] One hundred and fifteen Members are present; not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Alken	Broussard	Clayton	Elder
Ainey	Brown, W. Va.	Connolly, Iowa	Fairchild
Allen	Browne, Wis.	Crisp	Farr
Ashbrook	Bruckner	Dale	Finley
Ansberry	Burke, Pa.	Deltrick	Floyd, Ark.
Baltz	Butler	Dershem	Francis
Barchfeld	Calder	Difenderfer	Gardner
Beall, Tex.	Callaway	Donohoe	Garrett, Tenn.
Bell, Ga.	Campbell	Dooling	George
Blackmon	Carew	Driscoll	Gittins
Bowdle	Carlin	Dyer	Goeke
Brodbeck	Clark, Fla.	Edmonds	Goulden

Graham, Pa.	Langham	Morin	Shackelford
Griest	Langley	Moss, W. Va.	Shirley
Griffin	Lee, Pa.	Mott	Slayden
Gudger	L'Engle	Oglesby	Smith, Idaho
Hamill	Lenroot	O'Hair	Smith, Tex.
Hardwick	Leshner	O'Shaunessy	Stafford
Hart	Lindquist	Palmer	Stanley
Hobson	Linthicum	Peters, Me.	Stephens, Miss.
Houston	Lobeck	Platt	Switzer
Hoxworth	Loft	Porter	Taggart
Hughes, W. Va.	Logue	Reilly, Conn.	Talbott, Md.
Hullings	McClellan	Riordan	Taylor, Ala.
Humphreys, Miss.	McGillicuddy	Roberts, Mass.	Townsend
Johnson, S. C.	Maher	Rogers	Treadway
Jones	Manahan	Rothermel	Tuttle
Kelly, Pa.	Martin	Rubey	Vare
Kettner	Merritt	Rupley	Wallin
Kirkpatrick	Metz	Sabath	Wilson, N. Y.
Kitchin	Miller	Saunders	Woods
Lafferty	Moore	Scully	

The SPEAKER. On this roll call 305 Members have responded to their names, a quorum. The Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with further proceedings under the call.

The motion was agreed to.

LAWS RELATING TO THE JUDICIARY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 15578. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary. The Clerk will read.

The Clerk read as follows:

Sec. 62. The clerk of the Supreme Court, on the 1st day of January in each year, or within 30 days thereafter, shall, on a form prescribed by the Attorney General, make to the Attorney General a return, under oath, of all fees and costs collected by him in cases disposed of at the preceding term or terms of the court, and of all emoluments collected by him, and after deducting from such collections the sum of \$6,000 as his annual compensation, and the incidental expenses of his office, including clerk hire, such expenses to be certified by the Chief Justice and audited and allowed by the proper accounting officers of the Treasury, shall at the time of making such return pay any surplus that may remain into the Treasury of the United States.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to recur to page 26 for the purpose of offering a short amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent to return to page 26 of the bill, for the purpose of offering an amendment. Is there objection?

Mr. WATKINS. Mr. Chairman, I reserve the right to object, and wish to make this statement: We were on that section last Wednesday, and the Members had an opportunity from then until to-day, one entire week, to be ready this morning, the section being held over for amendments to be offered to it if they desired to do so. This morning no amendments were offered. If we were to recur to that section, I have information that several Members here desire to offer amendments to it, and we will be detained here, I do not know how long, but at least during the day, discussing the various amendments that might be proposed to be offered to this section, on which section we have waited an entire week for purposes of amendment. Therefore I object.

Mr. HOWARD. I hope the gentleman will reserve his objection.

Mr. WATKINS. I still reserve the right to object.

Mr. HOWARD. Mr. Chairman, as to the status of this section this morning, I had prepared an amendment to present to the committee at this particular point. I consulted with my colleague from Georgia [Mr. BARTLETT] about it, and he said it would be ripe for amendment. The gentleman from Arkansas [Mr. WINGO] made the point of no quorum, and while the roll was being called I was temporarily absent from the Chamber on an important matter, and I did not have an idea that this section would be passed before I could return. Now, I am frank to say to the gentleman from Louisiana [Mr. WATKINS] that my amendment seeks to increase the salary of the district attorney in the northern district of Georgia. I think the amendment has much merit in it. I believe that the committee would agree that this particular officer's salary should be increased in view of the facts that I am able to submit, and I guarantee to the gentleman from Louisiana that I will not take over three min-

utes in which to present an amendment and the facts, and if the committee does not agree that this officer should receive an increase in his salary that, as far as I am concerned, will end it.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. WATKINS] withdraw his objection?

Mr. WATKINS. Mr. Chairman, I would do so in this particular case if it were not for other cases of the same kind that would come up. The district attorney whose salary the gentleman wishes to increase is now getting a salary of \$5,000 a year, which is twice the salary the United States district attorney is getting in my district and much larger than a majority of the salaries. I object, Mr. Chairman.

The Clerk read as follows:

Sec. 63. The salary of the clerks of the circuit courts of appeals shall be \$3,500 a year, to be paid in equal proportions quarterly; and they may also retain from the fees and emoluments of their respective offices, after deducting necessary office expenses, including clerk hire, the sum of \$500: *Provided*, That the clerk of the court of the fifth circuit is authorized to pay, out of the fees and emoluments of his office, the necessary expenses incurred by him in transporting from his office in New Orleans to Atlanta, Fort Worth, and Montgomery, and from Atlanta, Fort Worth, and Montgomery to New Orleans, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held at Atlanta, Fort Worth, and Montgomery, and an allowance for actual expenses not exceeding \$10 a day to cover travel and subsistence for each day he may be required to be present at Atlanta, Fort Worth, or Montgomery on business connected with said office, such expenses and allowance to be approved and allowed by the senior circuit judge of said circuit.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This section fixes the salaries of the clerks of the court at \$3,500 and \$4,000 a year, and then there is this peculiar proviso, that the clerk in the fifth circuit, the one that it has in New Orleans, shall have \$10 a day for subsistence and traveling expenses, and also his necessary expenses in transporting from the office in New Orleans papers to Atlanta, Fort Worth, and Montgomery and back. Now, all of those districts have district courts located at one place, and a number of the circuit courts of appeals meet in different places. Now why should they make a special exception in the case of the clerk at New Orleans which does not extend to the other clerks of the courts of appeals?

Mr. WATKINS. I suppose that is a definite question to which the gentleman wants an answer?

Mr. MANN. Yes.

Mr. WATKINS. My answer is this, that the committee did not feel authorized to strike out the existing law. That is a separate and distinct enactment of Congress, and it had for its object a purpose at the time. That purpose is no longer served; but not feeling authorized to strike out the existing law, we have left it as we found it in the existing statute. If the gentleman makes a motion to strike it out, there will be no objection interposed by the committee.

Mr. MANN. I move to strike out the proviso in section 63.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 31, line 8, strike out the proviso, beginning on line 8, down to and including line 21.

Mr. HOWARD. Mr. Chairman, as this is a very important amendment, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixteen Members are present, a quorum. The Clerk will read. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 65. Clerks of the United States circuit courts of appeals, annually and within 30 days after the 30th day of June in each year, shall make a return to the Attorney General of the United States of all the fees and emoluments of their offices, respectively. Such return shall cover all fees and emoluments earned during the preceding year and also the necessary office expenses for such year, including clerk hire. Such expenses, including clerk hire, shall be certified by the senior circuit judge of the proper circuit, and audited and allowed by the proper accounting officers of the Treasury Department. The respective clerks of the circuit courts of appeals, after deducting such expenses and clerk hire, and the sum of \$500, as provided by section 1418, shall, at the time of making such returns, pay into the Treasury of the United States the balance of such fees and emoluments. In case any item of expense, including clerk hire, is not allowed, the amount disallowed shall, within 10 days after notice of disallowance, be paid into the Treasury of the United States. It shall be unlawful for any clerk of a circuit court of appeals to include in his emolument account or return,

any fee not actually earned and due at the time such return is required by law to be made; and no fee not actually earned shall be allowed in any such account.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 32, line 13, after the word "section," strike out "fourteen hundred and eighteen" and insert in lieu thereof the words "sixty-three."

Mr. WATKINS. Mr. Chairman, this is simply to correct a clerical error.

Mr. MANN. It should be "section 63 of this act," should it not?

Mr. WATKINS. That is understood, because it is used that way all the way through.

Mr. MANN. All right.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I notice in other places, where sections are referred to, you use the language "section of this chapter." For instance, on page 29, line 13, "section 7586 of this chapter," which means this act.

Mr. WATKINS. There is no objection to adding that to the amendment.

Mr. MANN. The only reason why I call attention to it is that in the original law it referred to a section of the Revised Statutes.

Mr. WATKINS. That is correct. An amendment should be added to it, saying, "in this bill."

Mr. MANN. It should be "section 63 of this chapter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment, after the word "sixty-three" the words "of this chapter."

Mr. WATKINS. That is not quite correct. That refers to section 63 of the bill. There are not 63 sections in this chapter. It should be "in this bill" or "in this act."

Mr. MANN. Say "in this act." I used that word because it said "this chapter" in other places.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Strike out the word "chapter" and insert in lieu thereof the word "act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

FEES OF CLERKS OF DISTRICT COURTS.

Sec. 66. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, or a summons or subpoena for a witness, \$1.

For issuing a writ of summons or subpoena for a witness or witnesses, 25 cents.

For filing and entering every declaration, plea, or other paper, 10 cents.

For administering an oath or affirmation, except to a juror, 10 cents.

For taking an acknowledgment, 25 cents.

For taking and certifying depositions to file, 20 cents for each folio of 100 words.

For a copy of such deposition furnished to a party on request, 10 cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, 15 cents: *Provided*, That the record of any one day relating to one proceeding or series of interdependent or closely related proceedings, such as are usually had at the same time or in immediate succession, shall be considered as constituting not more than one entry.

For making and forwarding transcripts on the transfer of criminal cases from one division of a district to another, 10 cents per folio, to be taxed against and paid by the United States when such costs can not be collected from the defendant.

For a copy of any entry or record or of any paper on file, for each folio, 10 cents; but no fee shall be allowed for copies of subpoenas.

For making dockets and indexes, issuing venire, taxing costs, and all other services, on the trial or argument of a cause where issue is joined and testimony given, \$2.

For making dockets and indexes, taxing costs, and all other services, in a cause where issue is joined but no testimony is given, \$2.

For making dockets and indexes, taxing costs, and other services, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue, \$1.

For making dockets and taxing costs, in cases removed by writ of error or appeal, \$1.

For affixing the seal of the court to any instrument, when required, 20 cents.

For every search for any particular mortgage, judgment, or other lien, 15 cents.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate, and certifying the result of such search, 15 cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of any statute or order of court, 1 per cent on the amount so received, kept, and paid.

For all services in connection with the admission of an attorney to practice in the district court, including the furnishing of a certificate of admission or a copy of the record of admission, \$1.

For traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, 5 cents a mile for going and 5 cents for returning, and \$5 a day for his attendance on the court while actually in session.

All books in the offices of the clerks of the district courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor.

Mr. WATKINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Page 34, line 8, after the word "subpoenas," strike out the period and insert the words "for witnesses, or for attaching certificate or affixing the seal of the court thereto."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I offer another amendment.

The CHAIRMAN (Mr. BYRNS of Tennessee). The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Page 35, line 12, after the word "admission," insert the words "and the entry of the order of admission."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 17, after the word "session," strike out the period and insert a colon and the following: "Provided, That mileage shall be allowed the clerk for travel to draw jurors when such travel is made by the clerk under the order of the court."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. As to this new provision, inserted at the top of page 34, I suppose that is in relation to the stenographers?

Mr. WATKINS. Not particularly; no, sir. I think that refers to any transcript that is made. The commission thought it was safe to put that in there, because there was a question raised as to whether they would be able to pay for transcripts.

Mr. MANN. Why should these costs be taxed against the United States?

Mr. WATKINS. For this reason: There are some cases that arise, for instance, in the cases of paupers, where that would be advisable; and we have already passed, in one of these amendments, a provision that where the parties were not able to appeal and make a showing to the court that they were not able to pay the costs, that would be done. And whenever the aggregate of the clerk's costs amounts to over \$5,000, under this provision the clerk gets \$5,000 for his salary; but where the aggregate does not amount to that, it is less than \$5,000, and that was counted as a part of his earnings.

Mr. MANN. So that the effect of this is practically to tax the costs against the Government in those cases where the ordinary fees do not pay the full salary of the clerk?

Mr. WATKINS. Yes.

Mr. MANN. In other cases it would be paid in and paid back to the Government.

Mr. WATKINS. Certainly.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 67. No clerk of a district court shall be allowed by the Attorney General, except as provided in the next succeeding section, to retain of the fees and emoluments of his office, including fees in naturalization proceedings and for admission to practice, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding \$5,000 a year, or exceeding that rate for any time less than a year.

Mr. MANN. I move to strike out the last word.

Mr. WATKINS. I have a committee amendment which I should like to submit.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn. The gentleman from Louisiana [Mr. WATKINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 35, line 23, strike out the section and insert in lieu thereof the following:

"No clerk of a district court shall be allowed by the Attorney General, except as provided in the next succeeding section and under section 13 of the act of June 29, 1906, entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' to retain of the fees and emoluments of his office, including the fees for admission of attorneys to practice, for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding \$5,000 a year, or exceeding that rate for any time less than a year."

The CHAIRMAN. Now, the Chair will recognize the gentleman from Illinois.

Mr. MANN. Mr. Chairman, when I moved to strike out the last word, I intended to ask the gentleman in regard to this naturalization. I am afraid that the gentleman's amendment does not cover the case. As I understand it, the amendment only makes an exception of a section in the immigration and naturalization act; but there have been several provisions since, carried in appropriation acts, in relation to clerk-hire services in naturalization cases. The immigration act is uncertain and doubtful as to its meaning on this subject. The naturalization cases in New York and Chicago were practically held up, and we passed a new provision in one of the appropriation acts—I think it was in an appropriation act—and that was not successful. Then, if I remember correctly, we passed another provision in another appropriation act, although I am not sure of that, before we got the question of clerk hire in naturalization cases disposed of. Now, I am afraid, if this provision goes in in the way it is and becomes a law, the result will be that you can not naturalize citizens over in New York after you have naturalized a certain number. Unless the gentleman has examined that recent legislation carefully, I would suggest to him that he pass this over and look that up.

Mr. WATKINS. I have no objection at all to doing that, but we tried to thrash that out, and went over it as carefully as we possibly could, and then finally submitted it to the Department of Justice.

Mr. MANN. If the gentleman would submit it to the Bureau of Naturalization, he would probably get a great deal more information than he could from the Department of Justice.

Mr. WATKINS. If we could get any more light on the subject and make it any more accurate, I should be willing to pass this over and get further information about it; but we went over this with extra care, so as to get this particular section, as we thought, in proper shape.

Mr. MANN. I remember very distinctly that after the immigration and naturalization act became a law it provided that a certain amount might be used for the payment of clerk hire from the fees that came from the naturalization business; and naturalization stopped in a number of the courts, because it was impossible to do the work without extra clerk hire, and they reached the limit under that act. Since then, as I say, we have had one or two acts in reference to the subject in some of the appropriation acts. I think it would be wise for the gentleman to consult the Bureau of Naturalization on the subject before putting this into the law.

Mr. WATKINS. I have no objection to allowing the amendment to be pending and to pass it over temporarily.

The CHAIRMAN. Does the gentleman make that request?

Mr. WATKINS. That it be passed over by unanimous consent.

Mr. HOWARD. Does this require unanimous consent?

The CHAIRMAN. Yes.

Mr. MANN. I hope the gentleman will not object to that.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the section with the amendment pending be passed over. Is there objection?

Mr. WINGO. Reserving the right to object, this is a very important bill. Everybody seems to be anxious to get through with it, and everybody seems to be anxious to get home. I do not think we ought to go home before we pass this important bill. That seems to be the serious intention of the serious statesmen of this House.

Mr. MANN. I think the gentleman voted to consider it. I did not.

Mr. WINGO. No; I voted my convictions on the parliamentary situation.

Mr. MANN. That was not a conviction.

Mr. WINGO. I call attention to the fact that there is no quorum present, and make the point of no quorum.

Mr. MANN. I compliment the gentleman. You never can bother me by making the point of no quorum, but if gentlemen do not stop filibustering pretty soon I shall be obliged to call attention to it.

The CHAIRMAN. The gentleman from Arkansas makes the point that there is no quorum present. The Chair will count. [After counting.] Sixty Members present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Dooling	Kitchin	Plumley
Alney	Doremus	Knowland, J. R.	Porter
Allen	Driscoll	Lafferty	Post
Ansberry	Dyer	La Follette	Reilly, Conn.
Ashbrook	Edmonds	Langham	Riordan
Avis	Elder	Langley	Roberts, Mass.
Barefield	Fairchild	Lee, Pa.	Rogers
Bathrick	Farr	L'Engle	Rothermel
Beall, Tex.	Finley	Lenroot	Rubey
Bell, Ga.	Fitzgerald	Leshner	Rucker
Bowdle	Floyd, Ark.	Levy	Rupley
Broadbeck	Francis	Lewis, Md.	Sabath
Broussard	Garrett, Tenn.	Lindbergh	Scully
Brown, N. Y.	George	Lindquist	Shackelford
Brown, W. Va.	Gittins	Linthicum	Shirley
Browne, Wis.	Goldfogle	Lloyd	Slayden
Bruckner	Gordon	Lobeck	Slemp
Brumbaugh	Gorman	Loft	Small
Buchanan, Ill.	Goulden	Logue	Smith, N. Y.
Bulkley	Graham, Pa.	McClellan	Smith, Tex.
Burgess	Gregg	McGillicuddy	Sparkman
Burke, Pa.	Griest	McGuire, Okla.	Staford
Butler	Griffin	Maher	Stanley
Calder	Gudger	Manahan	Stephens, Miss.
Callaway	Hamill	Martin	Stout
Campbell	Hamilton, N. Y.	Merritt	Sutherland
Cantor	Hardwick	Metz	Switzer
Cantrill	Hart	Miller	Taggart
Carew	Hawley	Moore	Talbot, Md.
Carlin	Helgesen	Morin	Talcott, N. Y.
Casey	Houston	Mott	Taylor, Ala.
Clancy	Howell	Neeley, Kans.	Taylor, N. Y.
Clark, Fla.	Hoxworth	Nelson	Ten Eyck
Clayton	Hughes, Ga.	Nolan, J. I.	Thompson, Okla.
Collier	Hughes, W. Va.	O'Brien	Townsend
Connolly, Iowa	Humphreys, Miss.	Oglesby	Underhill
Conry	Johnson, S. C.	O'Hair	Vare
Crisp	Jones	O'Leary	Walker
Crosser	Keating	O'Shaunessy	Wallin
Dale	Kelly, Pa.	Paige, Mass.	Whitacre
Davis	Kennedy, Iowa	Palmer	Willis
Deltrick	Kennedy, R. I.	Parker	Wilson, N. Y.
Dershem	Kettner	Patten, N. Y.	Winslow
Dies	Kless, Pa.	Peters, Me.	
Defenderfer	Kinkaid, Nebr.	Peterson	
Donohoe	Kirkpatrick	Platt	

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and finding itself without a quorum, had caused the roll to be called; that 252 Members had answered to their names; and he reported a list of the absentees.

The committee resumed its session.

Mr. WATKINS. Mr. Chairman, at the time the point of no quorum was made there was a request pending to pass over section 67, with reference to the fees of clerks.

Mr. TOWNER. Mr. Chairman, as I understand it, the gentleman from Louisiana has offered an amendment in the nature of a substitute.

Mr. WATKINS. That is correct.

Mr. TOWNER. I would like to offer an amendment as a substitute for the gentleman's amendment. Will it be for consideration now, or does the gentleman wish to have the section passed over without further consideration?

Mr. WATKINS. If the gentleman will offer his amendment, I will then renew my request to have it passed over.

Mr. TOWNER. Mr. Chairman, I will offer the amendment and ask that it be printed in the Record without reading at the present time, and that I may make a short statement in regard to the nature of it.

The substitute which I offer is, in substance, a bill introduced by the chairman of the Judiciary Committee [Mr. CLAYTON]. It is a bill that was well considered and was, as I understand, unanimously reported by the Judiciary Committee. Under the present system and the gentleman's amendment the clerk and the deputy clerk are paid by fees, which I think, it is unnecessary to argue, is a thing we should abolish if possible.

It was with that object in view that this bill was introduced by the gentleman from Alabama [Mr. CLAYTON]. It fixes definitely the salary of all clerks ranging from \$2,500 to \$4,500,

according to the various districts and according to the amount of work it is supposed they will do. It provides that all fees shall be paid into the Treasury of the United States. It is a well-considered bill, and I think ought to be substituted for the present iniquitous system which practically pays all clerks \$5,000 a year, and allows it to be paid out of the fees of the office in such a manner that complaint is continually being made all over the country in regard to the practical operation of the law. I ask that this amendment may be printed and considered when the section comes up for consideration.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his amendment be printed. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that this section be passed over.

Mr. WINGO. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. If this request is agreed to, when the section is considered again will other amendments be in order, or will only these two amendments be in order?

The CHAIRMAN. If the section is passed over by unanimous consent, when it comes up again for consideration it will be subject to other amendments.

Mr. WINGO. It comes up de novo?

The CHAIRMAN. Yes. Is there objection?

There was no objection.

The following is the amendment offered by Mr. TOWNER:

That all fees and emoluments authorized by law to be paid to clerks of United States district courts shall be charged as heretofore, and shall be collected by said clerks and covered into the Treasury of the United States; that it shall be the duty of all clerks of United States district courts to require payment in advance for services to be rendered by them otherwise than for the United States, except where the person requiring the services is relieved by law from prepayment of fees and costs; and that, subject to this limitation, the clerk shall account quarterly for all fees and emoluments earned within the quarter last preceding such accounting, and for all fees and emoluments received within the quarter which had been earned prior thereto; *Provided*, That the portion of the fees which the naturalization law allows clerks of the United States district courts to retain shall be accounted for to the United States, and be included in the quarterly accounting for naturalization fees required by law to be made, except that upon the approval of the Secretary of Commerce a clerk of any United States court collecting naturalization fees in excess of \$6,000 in the fiscal year 1914, or in any fiscal year thereafter, may retain so much of \$3,000 of naturalization fees in the following fiscal year as may be necessary to pay for the clerical assistants, for naturalization purposes only, which clerks of courts are required to employ by section 13 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596); and said clerks shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise: *Provided further*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States.

SEC. 2. That the clerk of the United States district court for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows:

For the northern district of the State of Alabama, \$4,500.
 For the southern district of the State of Alabama, \$3,500.
 For the middle district of the State of Alabama, \$3,500.
 For the district of the State of Arizona, \$3,000.
 For the eastern district of the State of Arkansas, \$4,000.
 For the western district of the State of Arkansas, \$3,000.
 For the northern district of the State of California, \$4,500.
 For the southern district of the State of California, \$4,500.
 For the district of the State of Colorado, \$4,500.
 For the district of the State of Connecticut, \$3,000.
 For the district of the State of Delaware, \$2,500.
 For the northern district of the State of Florida, \$3,000.
 For the southern district of the State of Florida, \$4,000.
 For the northern district of the State of Georgia, \$4,500.
 For the southern district of the State of Georgia, \$4,000.
 For the district of the State of Idaho, \$3,000.
 For the northern district of the State of Illinois, \$4,500.
 For the southern district of the State of Illinois, \$4,000.
 For the eastern district of the State of Illinois, \$4,000.
 For the district of the State of Indiana, \$4,500.
 For the northern district of the State of Iowa, \$3,000.
 For the southern district of the State of Iowa, \$4,500.
 For the district of the State of Kansas, \$4,500.
 For the eastern district of the State of Kentucky, \$4,500.
 For the western district of the State of Kentucky, \$4,500.
 For the eastern district of the State of Louisiana, \$4,500.
 For the western district of the State of Louisiana, \$4,000.
 For the district of the State of Maine, \$4,500.
 For the district of the State of Maryland, \$3,500.
 For the district of the State of Massachusetts, \$4,500.
 For the eastern district of the State of Michigan, \$3,500.
 For the western district of the State of Michigan, \$3,500.
 For the district of the State of Minnesota, \$4,500.
 For the northern district of the State of Mississippi, \$3,500.
 For the southern district of the State of Mississippi, \$4,000.
 For the eastern district of the State of Missouri, \$4,500.
 For the western district of the State of Missouri, \$4,500.
 For the district of the State of Montana, \$3,500.
 For the district of the State of Nebraska, \$4,500.
 For the district of the State of Nevada, \$2,500.
 For the district of the State of New Hampshire, \$2,500.
 For the district of the State of New Jersey, \$4,500.
 For the district of the State of New Mexico, \$3,000.
 For the northern district of the State of New York, \$4,500.
 For the southern district of the State of New York, \$4,500.

For the eastern district of the State of New York, \$4,500.
 For the western district of the State of New York, \$4,500.
 For the eastern district of the State of North Carolina, \$3,500.
 For the western district of the State of North Carolina, \$4,500.
 For the district of the State of North Dakota, \$3,000.
 For the northern district of the State of Ohio, \$4,500.
 For the southern district of the State of Ohio, \$4,500.
 For the eastern district of the State of Oklahoma, \$3,500.
 For the western district of the State of Oklahoma, \$4,000.
 For the district of the State of Oregon, \$4,500.
 For the eastern district of the State of Pennsylvania, \$4,500.
 For the middle district of the State of Pennsylvania, \$4,000.
 For the western district of the State of Pennsylvania, \$4,500.
 For the district of the State of Rhode Island, \$2,500.
 For the district of the State of South Carolina, \$4,000.
 For the district of the State of South Dakota, \$4,000.
 For the eastern district of the State of Tennessee, \$3,500.
 For the middle district of the State of Tennessee, \$3,500.
 For the western district of the State of Tennessee, \$3,500.
 For the northern district of the State of Texas, \$4,000.
 For the southern district of the State of Texas, \$3,500.
 For the eastern district of the State of Texas, \$3,500.
 For the western district of the State of Texas, \$3,500.
 For the district of the State of Utah, \$3,000.
 For the district of the State of Vermont, \$2,500.
 For the eastern district of the State of Virginia, \$4,500.
 For the western district of the State of Virginia, \$4,500.
 For the eastern district of the State of Washington, \$3,000.
 For the western district of the State of Washington, \$4,500.
 For the northern district of the State of West Virginia, \$4,500.
 For the southern district of the State of West Virginia, \$4,500.
 For the eastern district of the State of Wisconsin, \$3,500.
 For the western district of the State of Wisconsin, \$3,500.
 For the district of the State of Wyoming, \$3,000.

SEC. 3. That the clerk of the district court, when attending court at any place other than his official residence, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding \$4 per day, and his actual necessary traveling expenses. An account of such expenses shall be made quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said account for expenses shall have attached thereto the certificate of the district judge that the expenses charged were incurred when attending court at a place other than the official residence of the clerk or when otherwise necessarily absent from his official residence on official business. The expense accounts of the clerks, when made out and certified in accordance with this act, shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General.

SEC. 4. That the necessary office expenses of the clerks of the United States district courts shall be allowed when authorized by the Attorney General. And when in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the clerk, which recommendation shall state the facts as distinguished from conclusions showing necessity for the same, allow the clerk to employ necessary deputies and clerical assistants, upon salaries to be fixed by the Attorney General from time to time and paid as herein-after provided. When any of such deputies or clerical assistants is necessarily absent from the place of his regular employment on official business he shall be allowed his actual traveling expenses only and his necessary and actual expenses for lodging and subsistence, not to exceed \$3 per day. And he shall make and render accounts thereof quarterly, in accordance with such rules and regulations as may be prescribed by the Attorney General, and shall be verified on oath before any officer authorized to administer oaths: *Provided*, That said accounts for expenses shall have attached thereto the certificate of the clerk that the expenses charged were incurred by the deputy or clerical assistant when necessarily absent from the place of his regular employment on official business. The expense accounts of the deputies or clerical assistants when made out and certified in accordance with this act shall be paid by the marshal, who shall make such return thereof as may be prescribed by the Attorney General.

SEC. 5. That all salaries provided by this act shall be paid monthly by the United States marshals for the several districts under such regulations as may be prescribed by the Attorney General.

SEC. 6. That none of the provisions of this act shall be so construed as to prevent or affect the amount of taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors.

SEC. 7. That any clerk of a United States district court whose compensation is fixed by section 2 of this act who shall directly or indirectly demand, receive, or accept any compensation for the performance of any official service as such clerk other than is herein provided, or shall willfully fail or neglect to account for or pay over any fees or emoluments collected by him, shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment, at the discretion of the court, not exceeding five years, or by both such fine and imprisonment.

SEC. 8. That no clerk or deputy clerk of a district court of the United States, or other person employed in such clerk's office shall be appointed a receiver or master in any case whatsoever.

The Clerk read as follows:

MARSHALS' FEES.

SEC. 71. For service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons or subpoena for a witness, \$2 for each person on whom service is made.

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

For serving venires and summoning every 12 men as grand or petit jurors, \$4, or 33½ cents each.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, \$5.

For serving a writ of subpoena on a witness, 50 cents; and no further compensation shall be allowed for any copy, summons, or notice for a witness.

For serving a writ of possession, partition, execution, or any final process, and for making the service, seizing or levying on property, a fee of \$2, and the same mileage as is allowed for the service of any other writ; and for advertising and disposing of the same by sale, set-off, or otherwise according to law receiving and paying over the money,

a fee of \$2, and a commission of 2½ per cent on any sum under \$500, and 1½ per cent on the excess of any sum over \$500.

For each bail bond, 50 cents.

For summoning appraisers, 50 cents each.

For executing a deed prepared by a party or his attorney, \$1.

For drawing and executing a deed, \$5.

For copies of writs or papers furnished at the request of any party, 10 cents a folio.

For every proclamation in admiralty, 30 cents.

For serving an attachment in rem or a libel in admiralty, \$2.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would ask the gentleman whether the insertion here in reference to the commission on sales, and so forth, is what the existing law provides—

One and one-fourth per cent on the excess of any sum over \$500.

Is that the same, or is it an increase or a decrease in the fees for making a sale?

Mr. WATKINS. Mr. Chairman, I think that is the same as in other cases. It is the same as in admiralty cases. I think this item in this particular class of cases is the same allowed in similar cases.

Mr. MANN. This particular class of cases covers all of the sales that the marshal makes. If he sells a railroad for several million dollars, a percentum of 1½ per cent is rather a large fee. What I want to know is whether this is increasing his fees or decreasing his fees or giving him the same amount he gets now, or whether it is a change of law in any other respect?

Mr. WATKINS. Mr. Chairman, as far as my recollection goes, it is the same.

Mr. MANN. It is inserted here as new matter.

Mr. WATKINS. Oh, yes; that is recommended by the commission.

Mr. MANN. I do not care whether it was recommended by the commission or not.

Mr. WATKINS. That is the reason it is printed in italic.

Mr. MANN. It seems to me that a commission of 1½ per cent on a sale of some millions of dollars is a very large commission.

Mr. WINGO. Mr. Chairman, I would ask the chairman of the committee a question for information. I call his attention to the first paragraph in section 71, which provides for the service of any warrant, attachment, summons, and so forth, or summons or subpoena for a witness, \$2, and then further down, in line 14, there is a provision that for serving a writ of subpoena upon a witness the fee shall be 50 cents. What is the distinction?

Mr. WATKINS. The language in line 14 refers simply to a summons that is served on a witness to come into court, and the other refers to the process which is served under order of the court.

Mr. WINGO. In other words, if an ordinary subpoena is issued for a witness by the clerk, upon the customary order having been made, he gets only 50 cents?

Mr. WATKINS. That is right.

Mr. WINGO. But if the court during the pendency of a case orders a subpoena from the bench, he gets \$2 for it?

Mr. WATKINS. That is right.

Mr. WINGO. Why the distinction?

Mr. WATKINS. I do not make the distinction. The original law enacted by Congress makes the distinction. We have simply left it there, because there may be cases where it would entail greater responsibility on the part of the officer, or because of the fact that it may be more technical and more difficult to attend to that class of work. It is established law, and has been from time immemorial.

Mr. WINGO. The object I had in mind in making the inquiry was to ascertain why the distinction is made. I have never yet been able to ascertain.

The Clerk read as follows:

SEC. 72. The United States marshal for each judicial district of the United States shall be paid, in lieu of all fees, per cents, and other compensation, an annual salary as follows: For the northern and middle districts of the State of Alabama, each, \$4,000; for the southern district of the State of Alabama, each, \$4,000; for the district of Arizona, \$4,000; for the eastern and western districts of Arkansas, each, \$4,000; for the northern and southern districts of California, each, \$4,000; for the district of Colorado, \$4,000; for the district of Connecticut, \$2,500; for the district of Delaware, \$2,000; for the District of Columbia, \$5,500; for the northern and southern districts of Florida, each, \$3,000; for the northern district of Georgia, \$5,000; for the southern district of Georgia, \$3,500; for the district of Idaho, \$4,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman will notice that the salary of the marshal for the district of Connecticut is fixed at \$2,500. My recollection is that we passed a law increasing that salary.

Mr. WATKINS. The gentleman is correct. It was increased from \$2,000 to \$2,500.

Mr. MANN. Oh, that was the increase and this carries the law?

Mr. WATKINS. Yes.

The Clerk read as follows:

SEC. 75. Each field deputy marshal shall, as his compensation, receive the gross fees, including mileage, as provided in section 71, earned by him, not to exceed \$1,500 per fiscal year or at that rate for any part of a fiscal year; and, in addition, shall be allowed his actual necessary expenses, not exceeding \$2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided further*, That in special cases, where in his judgment justice requires, the Attorney General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of \$2,500 nor more than the gross fees earned by such field deputy: *Provided further*, That field deputies shall be paid by the United States for services rendered and expenses incurred in serving and executing process in behalf of parties prosecuting or defending actions in forma pauperis, as provided by law.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman quite sure of the effect of that last proviso, that field deputies shall be paid by the United States in pauper cases?

Mr. WATKINS. Mr. Chairman, I see no objection to it at all. It is recommended, and there ought to be some remuneration for it.

Mr. MANN. I can see that if the deputy needs that money to make up his salary, that is one thing; but apparently this is a direct provision that the United States shall pay to these deputies fees in pauper cases, and they shall get their salaries besides. A deputy marshal gets a salary, which is dependent also upon the fees that he earns and that are collected for the Government. His salary is paid out of those fees. I am correct about that, am I not?

Mr. WATKINS. Yes; a field deputy marshal.

Mr. MANN. Having provided that, you add a proviso that field deputies shall be paid by the United States for service rendered and expenses incurred in serving and executing process in pauper cases. Would not that be an addition to the salaries that they receive?

Mr. WATKINS. That was once submitted to the Comptroller of the Treasury, and I will read what the committee report states with reference to it. I read from part 1 of the report of the committee on this bill:

Section 75: A provision is added to section 11 of the act of May 28, 1896, authorizing the payment by the United States of fees in cases prosecuted or defended in forma pauperis. This is in view of a decision of a Comptroller of the Treasury that field deputies are not entitled to fees in such cases, which is considered by the commission as a manifest hardship, since the United States requires them to perform the services. Otherwise the section is identical with the law.

Mr. MANN. I do not think the comptroller decides the question that I am raising. The purpose the commission had in the language undoubtedly was to count these fees in determining what the deputy marshal might receive. The deputy marshal might be engaged in doing nothing else but serving writs, and so forth, in pauper cases, and would not receive any salary at all unless the Government paid it to him; but here you have already the provision that he shall be paid a certain salary out of his fees, and then, in addition, apparently, he is to be paid by the Government for serving the process in pauper cases.

Mr. WATKINS. There is no objection to changing those words "there shall be" to "shall charge" or any other suitable language.

Mr. MANN. I do not know what the best form of language would be.

Mr. TOWNER. Mr. Chairman, I suggest to the gentleman from Illinois [Mr. MANN] that the field deputy marshals are paid from fees exclusively, not to exceed \$1,500, and that is to be measured by the gross fees received by the deputy marshal. It occurs to me that if these pauper fees were received by him they would be necessarily included in the gross fees, and that therefore they could not be added to the amount of \$1,500 which he would receive if the fees amounted to that.

Mr. MANN. Well, I should question that. Here is the first provision that he shall receive out of the fees earned by him not to exceed \$1,500 per annum. Then you provide, in addition to that, that the United States shall pay him the fees in the pauper cases.

Mr. TOWNER. Well, that would be subject to that interpretation unless it should be held, of course, that the fees included what he received from the pauper cases, and of course that could be cured by an amendment in either event.

Mr. WATKINS. If the gentleman will permit me, I will say it was supposed the last verbiage, "as provided by law," would safeguard it, but if the gentleman desires to safeguard the expression by placing in the language "or charged by," or any other language that will express it better, I have no objection, because we did not want him to get any more than the salary.

Mr. MANN. "Provided by law" only refers to the definition of what are pauper cases.

Mr. WATKINS. I thought it referred back to the charges.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

Mr. FALCONER. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Thirty-five Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Eagle	Kless, Pa.	Porter
Ainey	Edmonds	Kirkpatrick	Post
Allen	Elder	Kitchin	Powers
Ansberry	Estopinal	Knowland, J. R.	Prouty
Anthony	Evans	Kreider	Riordan
Ashbrook	Fairchild	Lafferty	Roberts, Mass.
Barchfeld	Farr	La Follette	Rogers
Barkley	Finley	Langham	Rothermel
Bathrick	Fitzgerald	Langley	Rucker
Beall, Tex.	Flood, Va.	Lee, Ga.	Rupley
Bell, Ga.	Floyd, Ark.	Lee, Pa.	Sabath
Bowdle	Francis	L'Engle	Saunders
Brodbeck	Frear	Lenroot	Scully
Broussard	Garrett, Tenn.	Leshner	Shackleford
Brown, N. Y.	George	Lever	Sharp
Brown, W. Va.	Gittins	Levy	Sherley
Bruckner	Godwin, N. C.	Lewis, Md.	Sherwood
Brumbaugh	Goldfogle	Lewis, Pa.	Sisson
Burgess	Good	Lindquist	Sloan
Burke, Pa.	Gorman	Linthicum	Small
Butler	Goulden	Lobeck	Smith, Md.
Callaway	Graham, Pa.	Loft	Smith, Minn.
Campbell	Green, Iowa	Logue	Smith, N. Y.
Cantor	Griest	McClellan	Smith, Tex.
Cantrill	Griffin	McCoy	Sparkman
Carew	Gudger	McGillcuddy	Stafford
Carlin	Hamill	McGuire, Okla.	Stanley
Casey	Hamilton, N. Y.	McKenzie	Stedman
Clancy	Hamlin	Madden	Stephens, Miss.
Clark, Fla.	Hardwick	Maher	Stout
Clayton	Hart	Manahan	Stringer
Coady	Haugen	Martin	Switzer
Connolly, Iowa	Hawley	Merritt	Taggart
Conry	Hay	Metz	Talbott, Md.
Copley	Hayes	Miller	Talcott, N. Y.
Covington	Henry	Montague	Tavener
Crisp	Hobson	Moore	Taylor, Ala.
Crosser	Holland	Morin	Taylor, N. Y.
Cullop	Houston	Mott	Ten Eyck
Dale	Howard	Nelson	Thomas
Davis	Hoxworth	O'Brien	Tuttle
Detrick	Hughes, W. Va.	Oglesby	Underhill
Dershem	Hull	O'Hair	Vare
Dies	Humphreys, Miss.	O'Leary	Vollmer
Difenderfer	Igoe	O'Shaunessy	Walker
Donohoe	Johnson, Ky.	Palmer	Wallin
Dooling	Johnson, Utah	Parker	Whitacre
Doremus	Jones	Patten, N. Y.	Wilson, N. Y.
Driscoll	Kahn	Patton, Pa.	Winslow
Drukker	Kelly, Pa.	Peters, Me.	Young, Tex.
Dunn	Kennedy, Conn.	Peterson	
Dupré	Kennedy, R. I.	Platt	
Dyer	Kettner	Plumley	

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and finding itself without a quorum he caused the roll to be called, whereupon 223 Members responded to their names, and he reported back the list of absentees to be recorded in the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rules he caused the roll to be called, whereupon 223 Members responded to their names, a quorum, and he reports the list of absentees to be entered upon the Journal. The committee will resume its sitting.

The Clerk read as follows:

SEC. 76. There shall be paid to the marshal his reasonable actual expenses for the maintenance of prisoners of the United States confined in jail for any criminal offense; also his expenses necessarily incurred for fuel, light, and other contingencies that may accrue in holding the courts within his district and providing the books necessary to record the proceedings thereof: *Provided*, That he shall not incur or be allowed in any one year an expense of more than \$20 for furniture or \$50 for rent of a building and making improvements thereon, without first submitting a statement and estimates to the Attorney General and getting his instructions in the premises.

Mr. HUMPHREY of Washington. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUMPHREY of Washington. I move to strike out the last word. Mr. Chairman, there has been a great desire throughout the country for information in regard to the policy of the President in reference to Mexico. From an article which I hold in my hand, printed in the New York Sun of to-day, it seems to be largely explained—

Mr. MURDOCK. Will the gentleman yield? I missed the first part of his statement. Is this news matter or an editorial?

Mr. HUMPHREY of Washington. Why, it is partly both—an editorial, quoting from a magazine article.

Mr. MURDOCK. I missed the first part of the gentleman's statement, on account of the disorder.

Mr. HUMPHREY of Washington. A certain William Bayard Hale has published a work on "Our Moral Empire in America," and in the prospectus, among other things, occurs this language:

Dr. Hale went to Mexico City to investigate the character of the Huerta régime. He remained three months, returning to Washington with a report which, according to common belief, decided President Wilson to refuse recognition to the Huerta government.

So, if he states the facts we have now at last an explanation of the attitude of the President. While he was so sensitive to foreign opinion and foreign judgment in regard to the Panama Canal that he asked the repeal of the tolls provision because it did not meet with the approval of foreign Governments, yet, upon the judgment of this one man, he stood against the combined judgment of the world, with the exception of three nations, in refusing to recognize Huerta. Here is another paragraph:

Later, Dr. Hale visited the revolutionary chiefs in northern Mexico and held a series of conferences with Gen. Carranza and his staff; these conferences were followed shortly afterwards by the abolition of the embargo on arms and munitions of war, which had placed the revolutionists at a disadvantage.

This also explains the great confidence and admiration of the administration for the splendid heroes that have been devastating and murdering in northern Mexico.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. STEPHENS of Texas. Is it not a fact that President Taft also refused to recognize Huerta, and is it not a fact that the Governments of Argentina, Brazil, and Chile also refused, and did Dr. Hale have anything to do with that?

Mr. HUMPHREY of Washington. As I recall, the Taft administration was in power less than two weeks after Huerta took control of Mexico, but President Taft did not send special personal agents instead of regular accredited representatives to Mexico. That brings me to the point I want to make and that is this: Who is this Dr. Hale whom the President follows if the prospectus to his book, of course prepared, or at least approved, by himself, states the truth. He is a divorced preacher who left the pulpit to go to muckraking. He is an expert on the scandalous, the unsavory, and the yellow. He is the author of a lot of disparaging, discreditable, and untrue articles which have appeared in magazines attacking different industries and some public institutions, and yet this is the man, if we are to believe his own statement, that is the confidential adviser of the President, and the man upon whose judgment the President of the United States proposes to expend millions of dollars of money and sacrifice thousands of lives of American and Mexican citizens.

It is a most serious statement to be spread broadcast over this country by a man of Dr. Hale's character, to help sell his book. There is so much secrecy and mystery about the administration's policy in Mexico that such statement may mislead many.

If it is true that the President did rely upon Dr. Hale's statement, if he did look upon Mexican affairs through this yellow medium, then it is no longer a matter of surprise that our policy in regard to that unhappy country has been weak, hesitating, and discreditable. A muckraker should not dictate the affairs of Mexico.

Now, if these discreditable statements are not true, the President ought to deny it. This gentleman ought not to be permitted, for advertising purposes, to parade before the country that he is advising the President of the United States. His record is not such as to inspire confidence. As I said before upon the floor of this House, this gentleman in his action in reference to Mexico was not accredited to this country nor a credit to the country.

Mr. BYRNES of South Carolina. Will the gentleman yield to a question?

Mr. HUMPHREY of Washington. Yes.

Mr. BYRNES of South Carolina. What industries did he attack?

Mr. HUMPHREY of Washington. I do not know all of them. I know he attacked the Pension Department for one, and when it was investigated it was found every statement that he made was either wholly untrue or misleading.

Mr. BYRNES of South Carolina. The gentleman said not only institutions, but industries. Did he attack the shipping industry?

Mr. HUMPHREY of Washington. Oh, I do not know. But I want to ask the gentleman what he thinks of the character of a gentleman, a divorced preacher, who leaves his pulpit and goes

into muckraking, and then parades over the country that he is the adviser of the President of the United States in order to sell one of his books?

Mr. Chairman, I ask unanimous consent to extend my remarks for the purpose of inserting an editorial—

Mr. WILSON of Florida. I object.

Mr. MANN. Are you afraid of it?

Mr. WILSON of Florida. No; but we have had enough of it.

Mr. BARNHART. I want to inquire if there is anything in the rule that would prevent an excellent gentleman—the gentleman from Washington—from associating with political scarecrows until he frightens himself to death?

The CHAIRMAN. The Chair will state that is not a parliamentary inquiry.

Mr. HUMPHREY of Washington. The entire editorial in the New York Sun is interesting and illuminating, so I will put it all in the RECORD.

MORAL EMPIRE AND WAR FOR THE SERVICE OF MANKIND.

Those who, like the Evening Post of this town, approve warmly of "the President's idealism," yet find that idealism "hard to understand," will do well to study the new idea of war for the service of mankind in the light of Mr. William Bayard Hale's prospectus of "Our Moral Empire in America," published in the World's Work for May. We have already spoken of Mr. Hale's leading part in shaping events toward a war for the service of mankind. The subjoined certificate of actual participation in the Mexican policy of the administration precedes his general remarks on moral empire and stamp them, so to speak, with the seal of authority:

"Dr. Hale went to Mexico City to investigate the character of the Huerta régime. He remained three months, returning to Washington with a report which, according to common belief, decided President Wilson to refuse recognition to the Huerta Government.

"Later Dr. Hale visited the revolutionary chiefs in northern Mexico and held a series of conferences with Gen. Carranza and his staff; these conferences were followed shortly afterwards by the abolition of the embargo on arms and munitions of war, which had placed the revolutionists at a disadvantage."

From this it is apparent that not only the implacable determination to recognize the Huerta government in no event whatsoever, but also the decision to supply Carranza and Villa with arms and ammunition, resulted from the investigations and observations of Mr. William Bayard Hale in Mexico. Indeed, the President's unofficial envoy or emissary frankly admits that he is responsible for all that has grown or may grow out of his unfavorable report to Mr. Wilson concerning Gen. Huerta's character. He says:

"The way to make the business of 'promoting' revolutions unprofitable is to see to it that 'promoted' revolutions do not succeed. [Mr. Hale is referring to Huerta's revolution, not to Carranza's.]

"This is what Mr. Wilson is aiming at, if I understand aright. It would not, of course, be possible for a nation which was itself born in revolution to take the position that all efforts of oppressed men to abolish the forms to which they have been accustomed and to institute a new government must be discontinued. Therefore it is necessary to scrutinize each revolution by itself and to judge whether, it be, or be not, morally justifiable."

Accordingly Mr. William Bayard Hale went to Mexico under instructions from President Wilson and scrutinized the Huerta revolution and decided that it was not morally justifiable, and so reported; and Huerta was not recognized and the two nations came to the point of bloodshed for that reason.

Accordingly, also, Mr. William Bayard Hale went into the northern States of Mexico and scrutinized Carranza and Pancho Villa and decided that their revolution was morally justifiable, and so reported; and the embargo was raised and Carranza and Villa were provided with guns and gunpowder with which to kill thousands of Mexicans identified with the earlier but less moral revolution.

Mr. William Bayard Hale continues:

"That duty—of scrutinizing each revolution by itself and judging whether it be or be not morally justifiable—the United States has now assumed, as I understand it, or, indeed, as anyone can see. When Mr. Wilson took steps to inform himself of the facts regarding the Huerta coup d'état, with a view to passing a moral judgment upon the rightfulness of the de facto government in Mexico City, he took, it seems to me, the most far-reaching and fateful step which the Monroe doctrine has inspired in all the process of its evolution."

Manifestly far-reaching, manifestly fateful. For neither in our organic law is there any authority, nor in our national experience is there any precedent, for the establishment of Mr. William Bayard Hale's moral empire, to be enforced by President Wilson's system of moral warfare for the service of mankind. The expenditure of millions of dollars, perhaps the sacrifice of thousands of human lives, depend upon the accuracy of the moral judgment on which Executive action is based; and this moral judgment in its turn depends upon the report of the private informant sent to scrutinize the revolution—in the present case Mr. William Bayard Hale.

What an awful responsibility both for the informant and the informed. As to the Hon. William Jennings Bryan, Secretary of State in the present administration, Mr. William Bayard Hale does not even mention his name while explaining in World's Work the genesis of the moral empire and the beginning of war for the service of mankind.

Mr. HARDY. I wish to inject one or two remarks right here. It is an easy thing for the gentleman from Washington or any gentleman from anywhere to get up here and make various and sundry charges about somebody who is far away. I believe that this country is not ready now to accept the charges or insinuations of the gentleman from Washington to the effect that the President has relied upon a discredited agent to furnish information to him with reference to any of the administrative duties he is about to perform or seeks to perform. I believe that such charges, coming as they do, constitute the worst kind of muckraking that can be presented to the public.

Mr. HUMPHREY of Washington. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Texas yield to the gentleman from Washington?

Mr. HARDY. Yes.

Mr. HUMPHREY of Washington. I did not make those charges. That is what Dr. Hale himself said in the prospectus of his book.

Mr. HARDY. Mr. Chairman, I think we understand what the gentleman said. He read a newspaper article, and from that made charges and inferences that the President of the United States was relying for information upon a discredited agent. Now, so far as all of it is concerned, I know nothing. I do not know what paper he read from, nor do I care; but I have confidence enough in the President of the United States, and the country has confidence enough, to set it over against the charges and insinuations of the gentleman from Washington and rest perfectly content that the President's character is not even impugned by the charges. [Applause.]

The CHAIRMAN. The Clerk will read.

Mr. JOHNSON of Washington. Mr. Chairman, I have a letter here from a constituent of mine—a very prominent Democrat, by the way—in which he states:

You have doubtless heard a great deal of the law's delays.

We have all heard of the law's delays; but, of course, the writer of this letter did not know that there would be three long, tiresome, "no-quorum" roll calls to-day on this bill—a bill designed to correct some of the paragraphs in our laws that make delay in law procedure and great and unnecessary cost to litigants.

The writer of this letter says:

I want to call your attention to some extravagance in legal proceedings that is amazing, and it seems that the same should be remedied.

Mr. Chairman, we have just finished reading 20 pages of items pertaining to costs in the Federal courts—marshals' costs, clerks' costs, and so forth. Soon will come pages providing for printers' costs, stenographers' costs, mileage costs, and still other costs, which some one must pay.

In this letter my correspondent goes on to state the method of getting cases up to the higher courts in the State of Washington, and then says:

This practice or something similar is what I believe we should have in cases on appeal to the United States circuit court of appeals.

He says:

When we appeal to that court the entire record is first written from the stenographer's notes, making a complete record similar to that in the State court; then the transcript goes to the clerk of the district court, who compares it. In other words, he reads it over, and in the case to which I am about to refer this fee costs us in the neighborhood of \$100. We have already paid another \$100 or more for the typewriting to the reporter. Then the clerk of the lower court sends the transcript of the evidence and pleadings to the clerk of the circuit court of appeals, and he prints the whole business and binds it in book form.

I have just appealed a case to the United States Circuit Court of Appeals, sitting at San Francisco, and am just in receipt of two statements for printing. One is for the evidence, and the charge is more than \$700, and one is for the transcript of pleadings, which amounts to more than \$300—the total printing bill, as estimated by the clerk, being a little over \$1,100.

Thus you will see that in preparing the record in this case on appeal, which case only involved \$6,500, we have already been compelled to expend over \$1,300 to get into court. You can readily see that it takes a man almost with the instincts of a gambler to have the nerve to appeal a case to the circuit court of appeals, and you can further see that a poor man would be absolutely prohibited from appealing his case on account of this excessive charge.

The writer, Robert E. Evans, goes on and mentions other charges at considerable length. He goes carefully into the detail of these expenses, such as are being considered in this legislation. I had hoped that this bill would do something toward striking down the law's delays and the excessive costs.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Indiana?

Mr. JOHNSON of Washington. Yes; I will be very glad to.

Mr. COX. It occurs to me that you are striking at a very vital point. I have myself had some experience along the same line. Does the gentleman make any suggestions as to a remedy?

Mr. JOHNSON of Washington. Yes.

Mr. COX. I wish the gentleman would read them.

Mr. JOHNSON of Washington. Attorney Evans says in the beginning of his letter, which I dropped, this:

In going up to the higher courts in the State, typewritten copies can go up, three in number.

Mr. COX. Instead of having typewritten copies printed?

Mr. JOHNSON of Washington. Yes; instead of having 12 or more printed copies in cases appealed to the United States Circuit Court of Appeals.

Mr. COX. The gentleman is exactly right. It has always seemed to me like a bunko game to require that printing to be done.

Mr. JOHNSON of Washington. I am glad to hear the gentleman from Indiana say so, in view of the fact that I myself am somewhat inexperienced in connection with the modes of legal procedure here and in view of the fact that every Member of Congress must know that in the last 20 pages of the bill under consideration are dozens of paragraphs which will simply continue these excessive costs of all kinds. I hope at the opportune time to move to strike them out or that some one else will do so.

Mr. COX. What valid reason can be assigned for the fact that the typewritten record, as clear as print, should be reprinted? I have never seen the philosophy of it in all my life.

Mr. MANN. Of course, the gentleman knows that that is not a matter of law.

Mr. COX. It is simply a rule in the courts.

Mr. MANN. The Supreme Court recently revised the rules of equity procedure, and President Taft in the last Congress and I think President Wilson in this Congress have recommended that the law rules be revised. Of course, each member of the Supreme Court must have a copy of the record in some shape. I suppose the first thing to do, to cut down expenses, would be to limit the lawyer's salary or fee in this and other cases, and then limit the cost of making up the record.

Mr. COX. No; I do not think that would be right.

Mr. MANN. I supposed the proposition to limit the lawyer's salary would not meet with much approval in this Congress. [Laughter.]

Mr. JOHNSON of Washington. We are not all lawyers. I, for instance, am a printer.

Mr. COX. I am of this opinion, because I have in my experience had to go up against this same question, and I have never been able to see the reason why these typewritten copies should be printed. The stenographer in transcribing his notes can just as easily make carbon copies, which are easy to read, as to have them printed. The present practice is wrong.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. This lawyer writes me further:

There is no reason under the sun why this record should be printed at all. The only purpose I can see of it is to give work to the printer and fees to the clerk. The circuit court of appeals consists of three judges, and it seems to me that if a typewritten transcript of the evidence and the record is sufficient in the State supreme court, where we have nine judges, that the same practice ought to be good enough for the circuit court of appeals, especially in view of the fact of the immense expense now required to appeal a case, and all that they need is a copy of the evidence to read over. I consider it an outrage under the practice at the present time, and I can not for the life of me see why the circuit court of appeals requires this printing.

Mr. HUMPHREY of Washington. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HUMPHREY of Washington. It would seem from that portion of the letter that the printers were beating the lawyers. [Laughter.]

Mr. JOHNSON of Washington. Oh, I do not know; but it makes no difference. We hear on all sides something of the high cost of living, and it is every man's duty to try to strike down these excessive charges. Most people believe that the clerks of Federal courts are overpaid, through fees or otherwise. Court fees pile up unnecessarily. Everybody knows this; the lawyers know it; the printers know it. Neither lawyers nor printers want unfair fees; but when we let such bills as this be used as a buffer for some sort of legislative filibuster, which I confess I can not figure out, and let all such paragraphs as we have heard read to-day go undiscussed and unchallenged, we may be sure that the backs of litigants will continue to bend under the load of "costs," which may include almost everything under the sun.

Mr. J. M. C. SMITH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. J. M. C. SMITH. Mr. Chairman, on hearing the reading and consideration of the bill, I notice that large appropriations are authorized for the payment of fees, and, looking at an article in the paper, the Washington Herald, of Monday, the 11th of May, I notice that under the present working of the tariff law there is a decrease of revenue and an increase of deficit. I

would like to call the attention of the House to one or two extracts in this paper showing the workings of the law. I read:

SIX MONTHS' OPERATION—INCREASED IMPORTS OFFSET BY DECREASES IN RECEIPTS, EXPORTS OF MATERIALS, AND SLOWING DOWN OF FACTORIES.

The official record for the first half year of the tariff law's operation is now available, the Department of Commerce's statement of imports and exports for March completing the figures for six months.

OFFICIAL STATISTICS.

The value of finished manufactures imported in the six months' operation of the law, October 1 to April 1, is \$228,000,000, against \$215,000,000 in the same period of last year; the value of manufacturers' material imported is \$469,000,000, against \$517,000,000; the value of manufactures exported is \$541,000,000, against \$582,000,000; and the receipts from customs are but \$140,000,000, against \$165,000,000 in the same months of last year.

Meantime the deficit in the Treasury accounts continues to mount. Saturday's official statement showing the "excess of ordinary disbursements" for the fiscal year is \$37,097,955, as against an "excess of revenue receipts" of \$7,395,706 for the same period of the last fiscal year when the Payne tariff was in operation; or, to put it in ordinary terms, a deficit of \$37,000,000 this fiscal year against a surplus of \$7,500,000 at this time last year. The administration is depending on the income tax to pull it out of the hole.

On the other hand, the exports of domestic products have steadily fallen, the figures for October, 1913, having been \$269,000,000, and in March, 1914, but \$184,000,000.

The imports in the six months increased over 37 per cent, while the exports decreased over 31 per cent in the same period. In the last month of the Payne tariff—September, 1913—the exports of domestic products exceeded the imports by \$45,000,000; in March, 1914, the sixth month under the Underwood tariff, the exports of domestic products exceeded the imports by barely \$1,000,000.

Standing alone the new tariff law is not proving the great success claimed for it by its author and those favoring its passage. It has not proven the boom to business claimed for it. It has not affected the high cost of living. If it has had any beneficial effect to business or the country, it is not apparent so far. Perhaps its benefits will appear later. We are all "watchfully waiting." [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 79. No part of the appropriations made for the payment of fees for United States marshals or clerks shall be used to pay the fees of United States marshals or clerks upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury, or against whom an information may be filed, where such person or persons is or are under a recognizance taken by or before any United States commissioner, or other officer authorized by law to take such recognizance, requiring the appearance of such person or persons before the court in which such indictment is found or information is filed, and when such recognizance has not been forfeited, or said defendant is not in default, unless the court in which such indictment or information is pending orders a warrant to issue; nor shall any part of any money appropriated be used in payment of a per diem compensation to any clerk for attendance in court, except for days when the court is opened by the judges for business, the judge being present, which fact shall be certified in the approval of their accounts.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. GREENE of Massachusetts. Mr. Chairman, I have listened with some interest to the debate which arose from the remarks of the gentleman from Washington [Mr. HUMPHREY] and the reply of the gentleman from Texas [Mr. HARDY].

I happen to live within 19 miles of the place where the Rev. William Bayard Hale formerly preached. He preached in the town of Middleboro. He left the pulpit there; but before leaving, he wrote some articles in regard to the factory tenements of the city in which I live. Those articles were discredited entirely by the people of the community and by the corporation that owned the tenements about which he wrote.

After they had called his attention to it and he had paid no attention to it, the attention of the proprietor of the World's Work was called to the matter, and he was asked if he would allow a correction of the misstatements that were made therein. The reply was that they published a magazine and hired parties to write articles for it, and they did not publish anything that went to show that the writers of their articles did not state the facts. At the time, or shortly after the Sherwood pension bill was enacted into law—

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. DONOVAN. Does the gentleman think that as fair a man as the gentleman from Massachusetts is, who is seldom seen or heard doing things out of order, should follow the example of those who violate the rules of parliamentary practice?

Mr. GREENE of Massachusetts. I do not want to listen to any speech. I thought you wanted to ask a question.

Mr. DONOVAN. Yes; it is a query.

Mr. GREENE of Massachusetts. Well, make it.

Mr. DONOVAN. As the gentleman from Massachusetts at his time of life—

Mr. GREENE of Massachusetts. The gentleman need not have any worry about my time of life. I am quite as capable of taking care of myself as the gentleman is.

Mr. DONOVAN. But the gentleman—

Mr. GREENE of Massachusetts. I decline to yield further.

Mr. DONOVAN. I make the point of order that the gentleman is not talking to the question before the House.

The CHAIRMAN. The point of order is sustained. The gentleman will proceed in order.

Mr. GREENE of Massachusetts. And shortly after the passage of the Sherwood pension bill one of my constituents called me to account for voting for that bill.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DONOVAN. The gentleman is not talking to the question before the committee, which is section 79 on page 47 of the bill. He is talking to a pro forma amendment. He can only explain matters pertaining to this particular section. I feel sorry for the gentleman at his time of life that he should go so far—

Mr. GREENE of Massachusetts. I say the gentleman need not worry himself about my time of life. I will take my chances with the gentleman at any time.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that the gentleman from Massachusetts is not speaking to the question before the committee. If he insists on the point of order, the Chair will have to sustain it.

Mr. GREENE of Massachusetts. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. GREENE of Massachusetts. Very well; I will be seated and await another opportunity.

Mr. ANDERSON. I move that the gentleman be permitted to proceed in order.

The CHAIRMAN. It is moved that the gentleman from Massachusetts be permitted to proceed in order.

The motion was agreed to.

Mr. GREENE of Massachusetts. I suppose, Mr. Chairman, that I am in order in what I am talking about.

Mr. DONOVAN. Mr. Chairman, a point of order. He can not get the floor without addressing the Chair.

Mr. GREENE of Massachusetts. I did address the Chair. If the gentleman will always do it himself—

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. GREENE of Massachusetts. I am referring to section 79 of the bill, and I wish also to refer to a matter of great interest to this House. That is, that when the Sherwood pension bill was considered here one of my constituents, speaking to me about it, said that I had done a great wrong in voting for that bill. I replied, "I do not think so."

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman can not with impunity violate the rules of the House. He is not proceeding in order.

Mr. GREENE of Massachusetts. I am talking about a matter of the expenses of carrying on the Government, and this is certainly an expense of carrying on the Government. While the Sherwood pension bill was under consideration, or after it had been voted upon, I was criticized for a vote that I had cast in this House on a bill that involved an expenditure on the part of the Government. This man said to me that he had proof in his possession to show that the Pension Department was honeycombed with fraud.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. DONOVAN. Reserving the right to object, if he will proceed in order—

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Now, Mr. Chairman, this gentleman said he had information in his possession to show that the Pension Department was honeycombed with fraud; that the pension roll had upon it a number of men and women who were not lawfully pensioned; and he said that when I was voting for pension legislation I was voting for fraudulent action on the part of the Government of the United States. I did not know then where he got his information. I said: "Will

you furnish me information upon which your statements are based?" He said: "I will gladly do so." I replied: "If you will do that, I will have the matter investigated." In due time he sent me a list of pensions which had been granted, and which he stated were unlawfully granted, and that they took money from the Treasury in behalf of women who were not widows of soldiers and men who did not possess an honorable discharge, and that the evidence had been furnished to the Pension Department, and that department had declined to remove these names from the pension rolls.

I took that matter to the Pension Department and it was investigated. At that time I did not know anything about where my friend obtained his information. An answer was made to charges, and I ask permission to put in the Record the correspondence which will show that the statements in an article published in the World's Work was not borne out by the facts. This article was written by William Bayard Hale. In due time I sent the letter of the Commissioner of Pensions to the gentleman who had complained to me, and he wrote a letter to the World's Work, and this magazine was published by Doubleday, Page & Co.—Mr. Page is now ambassador to England and is or was a member of that firm—asking them if they would publish the statement of the Pension Department showing that William Bayard Hale had published an article that was honeycombed with misstatements. They declined to publish that article. I have the letter of the late Commissioner of Pensions in my possession which makes a reply in detail regarding the charges made against the Pension Department, and I think it is a very good time to have this correspondence published in the Record, and this correspondence will appear at the close of my remarks. This man Hale has been sent to Mexico with a roving commission, and, so far as I have been able to discover in watching his proceedings, he has been dealing with the parties who have endeavored to overthrow such government as they have there; and it seems to me that it is a credit to such government as they have there that they were generous enough to allow him to draw his breath after he arrived there. It may have been that he was working in the interest of peace, but his methods in my judgment were more toward the encouragement of strife and disorder than the promotion of peace between nations. William Bayard Hale is the man whom the President of the United States commissioned to represent him in the Republic of Mexico. I am very sorry to speak of this fact and did not desire to do it, but I feel justified in so doing because of my knowledge of the facts which will appear in the appended correspondence and also because of the lame defense that has been made here against the statement made by the gentleman from Washington [Mr. HUMPHREY], and I am sure that I can furnish the proof of every statement that I have made upon this floor to-day. [Applause.]

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 18, 1911.

HON. W. S. GREENE,
House of Representatives.

MY DEAR MR. GREENE: With regard to the matter referred to in our recent conversation, and in the letter of your correspondent which you transmitted under date of the 15th instant, I have the honor to state that I have personally examined the papers in the claims and find the facts as follows:

Judge Stillwell, our first deputy commissioner, is pensioned at the rate of \$30 per month under the provisions of a special act of Congress approved February 18, 1909, some time prior to his being appointed to his present position.

Mr. Stillwell entered the military service on January 7, 1862, as a private, rose through the grades of corporal, sergeant, second lieutenant to first lieutenant, and was discharged September 8, 1865, after nearly four years' faithful and meritorious service. He never filed a claim for pension until after the passage of the "age act," act of February 6, 1907. He filed a claim under this act on February 16, 1907, which was allowed at \$12 per month, he being past the age of 62 years. As heretofore stated, his present pension of \$30 per month was allowed by a special act of Congress, and the reasons which prompted Congress to make such allowance may be learned from the report of the committee which recommended such action.

I doubt if there have been many claims in all the thousands which have received favorable consideration by Congress which had more to commend them, and there is not one single feature of the matter which casts the least discredit upon Congress, this bureau, or Mr. Stillwell. The allowance was made before there was any thought of his being appointed to his present position.

Matilda Delair was never pensioned in her own right. She filed a claim for widow's pension on December 8, 1887, but abandoned the prosecution of same and it has never been allowed. She was shown to be the legal widow of one Frank Delair, who had a claim for pension pending when he died, and as this claim was established it was allowed and paid to her under the provision of the law which entitles a widow to the pension due her deceased husband to the time of his death.

An examination of the papers in this claim does not show that there was any impropriety in the allowance made. There appears to have been some hesitancy in making the allowance, because of the fact that it carried a considerable amount of money, and because the widow was not legally married to soldier until five days prior to his death, and because of these conditions the claim received the personal consideration of the then Commissioner of Pensions and the Assistant Secretary

of the Interior, both of whom approved of the allowance. Although the widow was not legally married to soldier until just prior to his death, she had lived with him as his wife for 17 years prior to their ceremonial marriage. I do not think there could be any doubt as to her being soldier's legal widow, and if there could be any question as to whether the soldier's claim was legally established it could only be a matter of opinion on the weight of the evidence. There is nothing whatever in the case to indicate that the claim was fraudulent or that the allowance was influenced by improper motives.

Catherine Giesbers was allowed pension as the widow of one John Giesbers, a soldier whose wife and widow she had been. In prosecuting her claim she, however, concealed the fact that she had remarried. The bureau later secured information as to this fact and dropped her name from the pension roll, and at the same time brought criminal action against the claimant in the local courts. The payment of her pension was not "continued," as stated by your correspondent, and she has not received pension since July 4, 1903, when her name was dropped from the roll.

Leon A. Canter died December 24, 1910. At the time of his death he was in receipt of pension under the age act of February 6, 1907, and he had previously drawn pension under the act of June 27, 1890. There is nothing in the case to indicate that any allowance therein was improper. Your correspondent states that he was "a notoriously bad egg." I do not know exactly what this means or whether it is true. There is nothing in the case reflecting on Mr. Canter's character. But if he had been of an altogether disreputable or even criminal character such fact would not necessarily have affected his title to pension. It is of course to be regretted, but it is unfortunately true, that among the hundreds of thousands who served the country in its hour of need, and are legally entitled to pension, are some who are not of the highest type of citizenship, but this fact does not affect their title to pension.

Rosetta Jackson was allowed pension as the widow of one Henderson Horton, a colored soldier, whose slave wife she had at one time been. In prosecuting her claim she concealed the fact that she had separated from Horton and remarried to one Jackson, whose wife she was at the time of the close of the war. When the bureau learned of this fact her name was dropped from the pension roll and criminal action was brought against her. She has not received pension since May 4, 1899, when her name was dropped.

Phoebe Wright was originally and properly pensioned as the widow of a soldier, one Byron Wright, which pension terminated on March 4, 1875, by reason of her remarriage. She afterwards sought to have her pension restored on the ground that her remarriage was void. Her claim for restoration was rejected while Mr. Evans was commissioner, but your correspondent is in error in stating that the pension was "afterwards restored." It has never been restored, and she has not received pension since 1875.

This is the status of the six cases mentioned by your correspondent. If the magazine articles referred to by your correspondent contained statements of fact at variance with what is herein set forth, such statements were inaccurate.

I do not mean to imply that the magazine intentionally misstated facts, but the information on which the articles were based was probably not full and complete in all cases, being from sources outside the bureau, and the recitals of facts were to an extent misleading because of their incompleteness.

Most of the cases mentioned in the articles referred to were those wherein the bureau had unearthed the fraud, had terminated the pension, and had presented the facts to the proper local officials for such criminal action as should be deemed warranted by the evidence in each particular case—in fact, cases in which the bureau had done its full duty in safeguarding and protecting the interests of the Government.

I have never quite understood what purpose was intended to be served by the recitals set out. I am not inclined to believe that it was intended as a reflection upon the bureau, for even the most unreasonable would hardly contend that the bureau should be able to absolutely prevent the successful prosecution of a fraudulent claim. More than 2,000,000 claimants have been before the bureau in the past 40 years, and of a necessity most of the claims have had to be adjudicated upon ex parte evidence. Under such conditions, with human nature what it is, there is bound to be some fraud. It is rare, however, that this remains undetected. Much of it is detected in time to save the Government from any loss, while in the remaining cases the allowance of the claim usually leads to detection. In such cases I do not think that the bureau has ever failed to act promptly in terminating the pension and taking such further action as the circumstances called for. The cases cited in articles referred to are, as stated, almost entirely a résumé of those in which the bureau had taken such action, and I rather suspect that much of the data for these articles was drawn from the records and criminal dockets of the courts in which actions had been brought under information furnished by the bureau. The record as made up in the articles when properly understood is therefore one creditable to the bureau rather than the reverse.

Very respectfully,

J. L. DAVENPORT, Commissioner.

FALL RIVER, MASS., March 5, 1911.

HON. WM. S. GREENE, Washington.

DEAR SIR: In pursuance of our conversation of a few days since, I have to give you a few names of pensioners who are said by the World's Work to be humbugs.

It must be admitted that many of the reporters are simply trying to make good stories. We innocent readers are at their mercy until we can disprove their yarns.

It is, however, a notorious fact that the Treasury has been and is being raided in the name of "patriotism" by bounty jumpers and other humbugs, and why not acknowledge it?

These names are but a few of those enumerated by the magazine. If they are names of maligned people, why, I will make further quotations:

Leander Stillwell, Deputy Commissioner of Pensions, at \$3,600 a year, and said to be a pensioner improperly.

Matilda Delair, No. 420157; Examiner Taylor, representing the United States, was denounced and recommended for dismissal by Pension Commissioner Raum for doubting the propriety of giving this pension.

Catherine Giesbers, No. 381559, acknowledged fraudulent, but no further action taken, except to continue payment.

Leon A. Canter, No. 1050289, a notoriously bad egg.

Rosetta Jackson, No. 256905, ditto.

Phoebe Wright, No. 158348, rejected by Evans (he was too busy an agent honestly trying to protect the Government, and was, it is well

known, hounded out of office by the "patriots") and afterwards restored.

There is probably no use in amplifying this list. Suffice it to say that no good citizen begrudges a cent of the pension appropriation that is being properly expended, but every good citizen does and ought to denounce the looting of the public till.

If I shall prove to be in the wrong in this matter, nobody can be more prompt than I shall be to own my error.

Yours, truly,

V. W. HAUGHWOUT.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 19, 1911.

Mr. VELONA W. HAUGHWOUT,
Fall River, Mass.

DEAR SIR: Your letter came duly to hand, and I thank you for writing me.

I inadvertently mislaid your letter, and when I took it to the commissioner and talked with him about the cases I supposed his stenographer had taken notes of the letter. As he could not find the letter, and he had not taken the notes, it delayed consideration.

I may state that I know the deputy commissioner, Mr. Stillwell, and I believe him to be strictly honest, and his record as a soldier is of the best, and his service was for four years. Regarding Commissioner J. L. Davenport, he has been in the Pension Bureau for more than 25 years. He was appointed commissioner, solely upon his record, by President Taft, and he has the confidence and esteem of every Member of both branches of Congress, because of the thorough and independent and painstaking manner in which he has administered every trust that has been confided to him. This article in the *World's Work* I never saw. Whoever wrote it undoubtedly wrote for pay and was not particular about his facts.

I have been over hundreds of cases in behalf of many of my soldier constituents and their widows during the past 12 years and 9 months, and I unhesitatingly declare that the Pension Bureau goes into every case with great care, to provide against injustice and also to prevent fraud. The array of documents and testimony in each case would be surprising to anyone who should take the trouble to look up the cases. There may be fraudulent cases now on the pension roll, but in every case when fraud is shown the case is stricken from the roll and the pension is declared void.

A word as to special pension bills. It is not within the power of a Member of Congress to rush a case to a settlement. Every case for a special pension bill is referred to a pension examiner, who goes through the case with a fine-tooth comb, and a full report is printed and submitted to Congress. These reports are all placed in the hands of the President before he signs the bill, and he has them all looked over by a special examiner. These reports are a part of the record, and they are preserved. If a man has not an honorable discharge, he can not be pensioned. The record of a soldier is sometimes changed if an error is found after investigation, but that is carefully gone over. The Government of the United States is a great institution and its work and the records thereof are marvels of history.

I am glad to send you the information in the cases you referred to. I remain, very respectfully,

WM. S. GREENE.

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., May 10, 1911.

Mr. VELONA W. HAUGHWOUT,
Fall River, Mass.

DEAR SIR: I inclose herewith a letter relative to the status of Gen. Daniel B. Sickles.

He draws no pension and never applied for nor is he eligible to receive one. He is simply on the retired list, just the same as Brig. Gen. Cook, of our city.

I remain, very respectfully,

WM. S. GREENE.

FALL RIVER, MASS., April 28, 1911.

To the *WORLD'S WORK*, New York.

GENTLEMEN: I have been a diligent reader of your magazine for a long time, and I was so much impressed by your disclosures regarding the alleged frauds against the United States that I investigated some of the cases cited by you, selecting at random, at the Pension Bureau in Washington.

I was astonished that in every instance which I had singled out for proof of rascality your history was false. The irregularity had been detected by the Government, the recipient of improperly granted moneys dropped from the rolls, and in most cases criminal procedure taken against the culprit.

If you desire the substantiation of the truth of my words, I shall take pleasure in submitting it.

I read to find the truth, not a sensation, and I am sure that a magazine of the class you are supposed to represent will be glad to correct your errors when they are pointed out to you.

Yours, truly,

V. W. HAUGHWOUT.

THE *WORLD'S WORK*,
Garden City, Long Island, N. Y., May 1, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: We are very much obliged to you for your letter of April 28, alleging that you had investigated our incidents of pension frauds and found our accounts all false.

We should be glad to read anything you may like to offer going to substantiate your assertion.

Yours, truly,

W. K. HALE.

FALL RIVER, MASS., May 4, 1911.

Messrs. DOUBLEDAY, PAGE & Co.,
Garden City, L. I.

GENTLEMEN: Answering yours of the 1st instant, I shall quote but three misstatements made in the *World's Work* in relation to the so-called "pension frauds," since the naming of others would be mere repetition.

Catherine Giesbers, No. 381559 (I quote) was allowed pension as the widow of John Giesbers, a soldier whose wife and widow she had been. In prosecuting her claim she, however, concealed the fact that she had remarried. The bureau later secured information as to this fact and dropped her name from the pension rolls, and at the same time brought criminal action against the claimant in the local courts. The payment of her pension was not "continued," as stated by your

correspondent, and she has not received pension since July 4, 1903, when her name was dropped from the rolls.

Rosetta Jackson, No. 256905, was allowed pension as the widow of one Henderson Horton, a colored soldier whose slave wife she had at one time been. In prosecuting her claim she concealed the fact that she had separated from Horton and remarried to one Jackson, whose wife she was at the time of the close of the war. When the bureau learned of this fact, her name was dropped from the pension rolls and criminal action was brought against her. She has not received pension since May 4, 1899, when her name was dropped.

Phoebe Wright, No. 158348, was originally and properly pensioned as the widow of a soldier—one Byron Wright—which pension terminated on March 4, 1875, by reason of her remarriage. She afterwards sought to have her pension restored on the ground that her remarriage was void. Her claim for restoration was rejected while Mr. Evans was commissioner, but your correspondent is in error in stating that the pension was "afterwards restored." It has never been restored and she has not received pension since 1875.

Yours, truly,

V. W. HAUGHWOUT.

THE *WORLD'S WORK*,
Garden City, Long Island, N. Y., May 8, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: I have a letter dated Fall River, May 4, signed in type-writing with your name, and at the beginning you say "I shall quote but three misstatements made in the *World's Work*," etc.

You then proceed to quote, but the quotations are not from the *World's Work*, although they refer to cases we give. I think there is some confusion of punctuation, and I do not quite understand the letter. Won't you please tell me from whom you are quoting in the extracts you give?

Yours, truly,

W. B. HALE.

FALL RIVER, MASS., May 18, 1911.

Messrs. DOUBLEDAY, PAGE & Co.,
Garden City.

GENTLEMEN: Some letters have passed between us relating to certain misstatements found in your magazine, the *World's Work*, about alleged frauds in pension distributions by the United States Government. I write again simply to inquire whether you are satisfied that you misled your readers in some of the denunciations contained in some of your articles.

The main source of information open to many thousands of busy people on topics of public interest is found in the magazines; if that source proves to be a poisoned one, the minds of the people must become infected.

There are but few periodicals which are at all reliable, and I had always rated yours among the few. I hope I may be told by you that you intend to keep its rating unsmirched by acknowledging your errors when they are unmistakably pointed out to you.

Yours, truly,

V. W. HAUGHWOUT.

THE *WORLD'S WORK*,
Garden City, Long Island, N. Y., June 1, 1911.

V. W. HAUGHWOUT, Esq.,
Fall River, Mass.

DEAR SIR: You are right; there has been some exchange of letters between us relating to certain statements—not misstatements—made by me in the *World's Work* about pension frauds.

You have written somewhat ambiguously, declaring that our citations of the cases of Catherine Giesbers, Rosetta Jackson, and Phoebe Wright were misstatements. To which I can only reply that, on the contrary, the three paragraphs about these women are absolutely correct in every fact and circumstance.

Indeed, if you will refer to the January number of the *World's Work*, pages 13919-13922, and read the statements made and then compare them with what the Commissioner of Pensions—apparently—has written to you, you will find that he does not deny that the Government was defrauded exactly as I stated. Catherine Giesbers did defraud the Pension Bureau of \$3,400. The bureau did bring criminal action against her, but nothing ever came of it—the action was not pressed, and the woman went free. I did not state that the pension was continued.

Rosetta Jackson was paid by the Pension Bureau \$4,000, to which she had no right. The Commissioner of Pensions—if he is the authority for the quotation you make—is not correctly informed or he has not taken the time to carefully read the facts in this case, as I have done. However, his mistakes are not essential. He does not deny that she was "allowed a pension." The fact is she was paid \$4,000 before her name was dropped.

Phoebe Wright. My statement of the case of Phoebe Wright was exactly in accordance with the facts, though in this case only your authority (whether or not he is the Commissioner of Pensions) disputes the accuracy of one of my statements, namely, that the claim was re-allowed. My information is positive that it was.

Yours, truly,

W. B. HALE.

FALL RIVER, June 3, 1911.

Messrs. DOUBLEDAY, PAGE & Co.,
Garden City, L. I.

GENTLEMEN: Referring to the letter of Mr. Hale, dated 1st instant, I must write at more length than I wish, but the subject seems to compel it.

As to "misstatements," let it go at half statements, if that is more palatable. Half statements are as capable of damage as the other variety.

I will take but one of the three women named by you as represented by your paragraphs "correctly." I do not think that quite ingenious—to say your statements are "correct" is half true. Why do you not tell the whole tale about Phoebe Wright? The Pension Commissioner says she was never reinstated. You say your "information is positive that" she was. Where do you get "information" so much more valuable than official records? I am afraid that a full recital of the exact facts you professed to expose in your magazine, with no suppressions, would have made rather tame reading and would have made the "exposures" unsalable.

I have been actuated by sincere motives. I am not an old "veteran" and have not even the remotest connection with any pensioner. I was stirred with indignation by your "exposures," and set out, with the

cooperation of our Congressman, to justify my indignation. Instead of justification, my indignation has met mollification. The Pension Commissioner frankly admits that the gigantic disbursement of moneys under his charge has been attended with errors because of fraudulent claimants, but he welcomes and wants to make the Government the beneficiary of the disclosure of facts which may bring such claimants to justice. Let us be just, but let us be sincere. I am done, and subscribe myself,
Yours,

V. W. HAUGHWOUT.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read section 80 of the bill.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. J. M. C. SMITH. I make the same request.

The CHAIRMAN. The gentleman from Washington and the gentleman from Michigan ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 81. Every clerk of a district court shall, on the 1st days of January and July in each year or within 30 days thereafter, make to the Attorney General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year. The word "emoluments," as herein used, shall include all amounts received in connection with the admission of attorneys to practice in the court, and all other amounts received for services in any way connected with the clerk's office. Each clerk shall state separately in his returns the fees and emoluments received or payable under the bankrupt act. Each clerk shall also, under rules and regulations to be prescribed by the Attorney General, report and account for all moneys received on account of or as security for fees and costs; all moneys collected or received on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs; and for any other moneys received in his official capacity, whether on behalf of the United States or otherwise. Each clerk shall also keep and use such dockets or other books for recording, reporting, and accounting for all fees and emoluments earned by him and for all moneys required to be reported under the provisions of this section as the Attorney General shall prescribe. Said returns shall be verified by the oath of the officer making them and a copy thereof filed in his office. It shall be unlawful for any clerk whose duty it is to make the return required by this section, to include in his emolument account or return any fee or fees not actually earned and due at the time such return is required by law to be made; and no fee not actually earned shall be allowed in any such account.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 48, line 14, after the word "court," insert the words "including the clerks of the district court in Alaska, Hawaii, and Porto Rico."

The amendment was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 3, strike out the words "bankrupt act" and insert in lieu thereof the following: "act approved July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' and acts amendatory thereof."

Mr. ANDERSON. Mr. Chairman, the bill reported by the committee uses this language:

Each clerk shall state separately in his return the fees and emoluments received or payable under the bankrupt act.

The language "bankrupt act" is very inaccurate and very unusual, and it seems to me that it would be much better to designate the act in the ordinary and usual way. The amendment I propose merely designates the act referred to and the amendments to that act.

Mr. WATKINS. Mr. Chairman, this is a general law intended to apply for all time or until it is changed. The general expression "bankrupt act" would apply in the future to any other act that might be enacted, and it also applies to every other bankrupt act besides the one to which the amendment refers. The general language will cover all classes of bankrupt acts. It is not necessary to make it so explicit, as it might bring about an erroneous construction of the language. I think the general language is much more satisfactory than to designate any special act.

Mr. TOWNER. I think the gentleman from Louisiana is hardly correct in saying that the language here would include the amendments. The reference certainly would be only to the original bankrupt act, because that is the language used in the

sentence. Of course fees are now collected not only under the original bankrupt act, but under all the amendments that have been subsequently passed amendatory thereto. I think the gentleman could hardly have any objection to the bankrupt act being specifically designated, and it should include the amendment. I am quite sure the gentleman's amendment ought to be adopted in order to perfect the language of the text.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. WATKINS) there were 14 ayes and 28 noes.

So the amendment was rejected.

[Mr. MOSS of West Virginia addressed the committee. See Appendix.]

Mr. COX. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

The CHAIRMAN. The gentleman realizes that the matter that he is reading now has no bearing upon the amendment pending before the committee, and the gentleman is out of order.

Mr. ALEXANDER. Mr. Chairman, I will state that when the Chairman makes that ruling the gentleman should take his seat. That is the rule of the House.

The CHAIRMAN. The gentleman is out of order, and he will please take his seat.

Mr. MOSS of West Virginia. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. DONOVAN. Mr. Chairman, he must first take his seat before he does that.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. What is before the committee?

The CHAIRMAN. A motion to strike out the last word of section 82. The gentleman makes the point of order that there is no quorum present.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. Would a motion that the committee do now rise be in order?

The CHAIRMAN. Not after the point of no quorum is made.

Mr. FOSTER. Oh, yes, Mr. Chairman, it would.

The CHAIRMAN. The Chair believes that he was wrong. The Chair believes that a motion to rise is in order.

Mr. KEATING. Then I make that motion, Mr. Chairman. We have wasted enough time this afternoon.

Mr. WATKINS. Mr. Chairman, when we are in the House we can move to adjourn, but when the committee is acting under the supervision of the House the committee can not rise after the point of order of no quorum is made, because that is a question that is to be voted on.

Mr. FOSTER. Mr. Chairman, I think the Chair has not yet decided that there was no quorum present, and so the gentleman's motion is in order.

The CHAIRMAN. The motion to rise is in order. Is the motion made by the gentleman from Colorado?

Mr. KEATING. Yes; I make the motion that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Colorado that the committee do now rise.

The question was taken, and the motion was rejected.

The CHAIRMAN. The point of order is made that there is no quorum present. The Chair will count. [After counting.] Seventy-one Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Cantrill	Driscoll	Gregg
Ainey	Carew	Drukker	Griest
Allen	Carlin	Dunn	Griffin
Ansberry	Carter	Dupré	Gudger
Anthony	Casey	Dyer	Hamill
Ashbrook	Church	Edmonds	Hamilton, N. Y.
Barchfield	Clark, Fla.	Elder	Hamlin
Barkley	Claypool	Estopinal	Hardwick
Bartholdt	Clayton	Evans	Hart
Bathrick	Cline	Fairchild	Hawley
Beall, Tex.	Coady	Farr	Hay
Bell, Ga.	Connolly, Kans.	Finley	Henry
Bowdle	Connolly, Iowa	Fitzgerald	Hinds
Brodbeck	Copley	Floyd, Ark.	Hinebaugh
Broussard	Covington	Francis	Holston
Brown, W. Va.	Crisp	Frear	Houston
Browne, Wis.	Dale	Gard	Howard
Bruckner	Danforth	Garrett, Tenn.	Hoxworth
Brumbaugh	Deitrick	George	Hughes, W. Va.
Burke, Pa.	Dershem	Gittins	Hull
Butler	Dies	Goldfogle	Humphreys, Miss.
Byrnes, S. C.	Diffenderfer	Gordon	Igoe
Calder	Donohoe	Gorman	Johnson, Ky.
Callaway	Dooling	Goldsen	Johnson, Utah
Campbell	Doremus	Graham, Pa.	Jones

Kelley, Mich.	Loft	Patton, Pa.	Small
Kelly, Pa.	Logue	Payne	Smith, Md.
Kennedy, Iowa	Loneragan	Peters, Me.	Smith, Tex.
Kent	McAndrews	Peterson	Sparkman
Kettner	McClellan	Platt	Stafford
Key, Ohio	McCoy	Plumley	Stanley
Kiess, Pa.	McDermott	Porter	Stephens, Miss.
Kindel	McGillcuddy	Pou	Stephens, Nebr.
Kirkpatrick	McGuire, Okla.	Powers	Stevens, N. H.
Kitchin	Madden	Prouty	Stout
Knowland J. R.	Maher	Rainey	Switzer
Konop	Manahan	Rauch	Taggart
Kreider	Mann	Rayburn	Talbot, Md.
Lafferty	Martin	Reilly, Conn.	Talcott, N. Y.
Langham	Merritt	Riordan	Tavener
Langley	Metz	Roberts, Mass.	Taylor, Colo.
Lazaro	Miller	Rothermel	Temple
Lee, Ga.	Mondell	Rubey	Tuttle
Lee, Pa.	Moore	Rucker	Vare
L'Engle	Morin	Rupley	Vollmer
Lenroot	Mott	Sabath	Walker
Leshner	Murray, Mass.	Saunders	Wallin
Lever	Nelson	Scully	Whaley
Levy	Oglesby	Seldomridge	Whitacre
Lewis, Md.	O'Hair	Sells	White
Lieb	O'Shaunessy	Shackelford	Williams
Lindbergh	Page, N. C.	Sharp	Wilson, N. Y.
Lindquist	Palmer	Sherley	Winslow
Linthicum	Parker	Slayden	Woodruff
Lobeck	Patton, N. Y.	Slomp	Young, Tex.

The Clerk proceeded to call the roll, when the following occurred:

Mr. TOWNER (interrupting the roll call). Mr. Chairman, a parliamentary inquiry.

Mr. FOSTER. Mr. Chairman, I make the point of order that the gentleman can not interrupt the roll call.

Mr. TOWNER. I am not attempting to interrupt it, but I want to inquire whether or not this vote ought not to be on the—

Mr. FOSTER. Regular order, Mr. Chairman.

Mr. TOWNER (continuing). On the question.

Mr. FOSTER. Regular order.

The Clerk resumed and concluded the calling of the roll.

The committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 209 Members responded to their names, and he presented the list of absentees to be entered upon the Journal.

Mr. GARDNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman will wait until the Chair announces the report of the Chairman of the Committee of the Whole House on the state of the Union. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 15578, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 209 Members, a quorum, answered to their names, and he reports the list of absentees to be entered upon the Journal.

Mr. GARDNER. Now, Mr. Speaker, before the Chair orders the committee to resume its sitting I move that the House adjourn.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the House automatically goes back into the Committee of the Whole.

Mr. GARDNER. Mr. Speaker, will the Chair hear me on the point of order?

The SPEAKER. Certainly.

Mr. GARDNER (reading):

After the committee has risen and reported its roll call a motion is in order to adjourn before direction as to the resumption of the session.

The SPEAKER. Who renders that opinion?

Mr. GARDNER. It is on page 372 of the House Manual, about the fourth line from the bottom. It is a citation from the fourth volume of Hinds' Precedents, section 2969.

The SPEAKER. Is that the only authority the gentleman has?

Mr. GARDNER. That is all I know about it; that and the next one, which I shall read:

And the failure of a quorum of the House to answer on this roll call does not interfere with the authority of the Speaker to direct the committee to resume its session.

That is the same decision, I think, and found in Fourth Hinds', section 2969.

The SPEAKER. What is the citation the gentleman gives?

Mr. GARDNER. Fourth Hinds', section 2969.

Mr. WATKINS. Mr. Speaker, if the gentleman from Massachusetts has concluded his remarks, I would like to be heard.

Mr. GARDNER. The Chair is allowing me to address him on the point of order.

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER. Mr. Speaker, we never could adjourn, if this motion is not in order, unless the committee votes to rise. So long as the committee has less than 100 Members present all that is necessary to keep up this farce which has been going on all day long is to make the point of "no quorum." Then there is a roll call, and the Chairman of the Committee of the Whole House reports. When that happens I insist that you must give the House an opportunity to say whether it wishes to terminate the farce in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair would ask the gentleman if that is the only way to terminate it?

Mr. GARDNER. It is the only way, unless the committee will rise.

The SPEAKER. Of course.

Mr. GARDNER. A motion is made to rise, and a gentleman raises the point of order of no quorum—

The SPEAKER. To make a point of no quorum in the Committee of the Whole when it undertakes to rise is absolutely futile. That is the one thing that the committee can do without a quorum—to rise. It is the one thing that it can do.

Mr. GARDNER. The committee can not rise without a quorum if the point of no quorum is made.

The SPEAKER. Why, it might be kept up for six months.

Mr. GARDNER. Exactly, and that is the position the Chair is in now. There can be no time, Mr. Speaker, when the Chair has got the mace there beside him that a motion to adjourn is not in order.

The SPEAKER. But the gentleman jumps from a proposition that may be tenable to one that is utterly untenable and which has nothing to do with the question the gentleman raises.

Mr. GARDNER. If the Speaker will permit me. There is only one motion which takes precedence over a motion to adjourn, and that is the presentation of a conference report. To be sure, this is not a question of the precedence of a motion to go back into the Committee of the Whole, but under the rules of the House we must automatically return to the status of a committee. Under those same rules a motion to adjourn has the highest precedence known to the House, aside from the presentation of a conference report. The high precedence accorded the motion to adjourn is founded upon a well-known parliamentary principle, that no House ought to be kept in session against its own will.

The SPEAKER. Well, nobody is contending that; that is, the Chair never heard of anybody contending that.

Mr. GARDNER. The Chair will take notice that if we go into the Committee of the Whole and if the Committee of the Whole wishes to keep the House from adjourning it can always do so by precisely this process. It seems to me that it is always the privilege of the House, whenever the Speaker is in the chair, to ascertain whether or not it wishes to adjourn, no matter whether the committee wishes to rise or not. I assume, of course, that the motion to adjourn is not made for dilatory purposes.

Mr. UNDERWOOD. Mr. Speaker, the purpose of the committee rising when the roll is called in the Committee of the Whole is purely for the purpose of having a record made of the absentees. The committee rising and going into the House and reporting the absentees, and the House resuming the session of the Committee of the Whole, is an automatic matter that is controlled by the rules. It has been repeatedly held when the committee rises for that purpose it is not in order to transact any other business except by unanimous consent. Sometimes a message from the Senate is received or sometimes an order by unanimous consent. Now, if it is in order, Mr. Speaker, to make a motion to adjourn, it is in order to make some other motion. True, the motion to adjourn has precedence over most motions in the House, not all of them; but if it is in order, when the committee rises for this purpose of recording the absentees, for some gentleman to make a motion to adjourn, it would be equally in order, if it rises for that purpose, for a gentleman to call up or present a conference report to the House, a matter of even higher privilege than adjournment.

On the other hand, the quorum that is necessary to transact business under these circumstances is 100, a quorum in the Committee of the Whole. If you can bring in other business before the House when you rise for this purpose, it would be a very easy matter to raise some other question in the House, and then demand a quorum in the House, and the House would then have to secure a majority of the members.

ship of the House instead of 100 Members. A ruling of that kind, it seems to me, Mr. Speaker, would be to erect a machinery that might seriously embarrass the House in the future in attempting to maintain a quorum in the Committee of the Whole House. And notwithstanding the precedent to which the gentleman refers, I think the clear logic of the situation is that when the committee rises it rises, under the rules of the House, to automatically perform a duty that the rules require it to perform, and that is, if there is a quorum present, to have it unanimously recorded on the Journal of the House, and return to the committee automatically.

The SPEAKER. The Chair is ready to rule on this matter.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. On Wednesday, when we go into Committee of the Whole automatically, would it be in order to make a motion to adjourn before we go into the Committee of the Whole? In other words, could we adjourn on Wednesday?

The SPEAKER. Oh, yes. The real point the gentleman from Massachusetts makes is if it is proper and in order to make a motion to adjourn when, the Committee of the Whole finding itself without a quorum, the Chairman has the roll called and reports back to the House that there is a quorum present. We might as well clear up two or three things while we are at it. The Committee of the Whole can rise without a quorum. If it can not, you might go into Committee of the Whole and could not get out of it shortly. That is the one thing that the Committee of the Whole can do without a quorum when the point is raised. Now, so far as this point of order that is raised by the gentleman from Massachusetts [Mr. GARDNER] is concerned—and the Chair violates no confidence when he says that he has a great deal of respect for any opinion the gentleman from Massachusetts entertains, especially on parliamentary law, as being both intelligent and honest—in this case this rule, which is as plain as the English language can make it, evidently was put in here to prevent waste of time by filibustering. There is not much disposition in these later days to filibuster, but it is still within the bounds of possibility.

Here is the rule:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of one hundred Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear—

That does not mean a quorum of the House, but a quorum of the Committee of the Whole—100—

the committee shall thereupon resume its sitting without further order of the House.

That language was put in there to expedite business. Several times when it has occurred that the committee would rise that way, because they did not have a quorum the Chair would ask unanimous consent to lay before the House a report from the Committee on Enrolled Bills, for instance, where it was a matter of pressing necessity. And so it drifted along that way. The Chair was not trying to violate the rules; but one day there were three or four requests for leave of absence here and the Chair started to put them, when the gentleman from Illinois [Mr. MANN] interposed the objection that nothing could be done except to go back into Committee of the Whole automatically; and he was right. So the Chair has never violated it in the slightest degree since.

Now, this authority that the gentleman from Massachusetts [Mr. GARDNER] cited is very nearly no authority at all. There was not a decision rendered on the point. The Hon. Joseph C. S. Blackburn was acting as Speaker pro tempore. Here is what happened:

Mr. Edward K. Valentine, of Nebraska, moved that the House adjourn. This motion was negatived—81 yeas to 38 ayes.

Now, here is what Mr. Blackburn says, and he was one of the "crack" parliamentarians of that day:

A quorum having appeared, there is nothing now for the Chair to do except to announce that the Committee of the Whole will resume its session upon the river and harbor appropriation bill, unless there be made a motion that the House now adjourn.

That seems, as far as it goes, to support the gentleman from Massachusetts [Mr. GARDNER]. Now, the headlines of this paragraph are somewhat misleading, even if they were made by the distinguished gentleman from Maine [Mr. HINDS]. But it seems to the Chair that that was not a positive ruling on the point, because it was not raised. It seems to the Chair, if this motion of the gentleman from Massachusetts is entertained, it opens up the way for every possible motion that can be made in this House, and therefore the Chair overrules the point of order.

Mr. GARDNER. Mr. Speaker, before the Chair rules, will he not give us some citation showing that the Committee of the Whole House is entitled to rise in the absence of a quorum if the point of no quorum is made?

The SPEAKER. The Chair happens to have the authority right in his hand. Section 2975, volume 4, of Hinds' Precedents, says:

The presence of a quorum is not necessary for a motion that the Committee of the Whole rise. On February 15, 1881, the House was in the Committee of the Whole House on the state of the Union, considering the river and harbor appropriation bill.

Mr. E. B. Finley, of Ohio, moved that the committee rise, and on a division on this question there were yeas 35, noes 91.

At that time it required more Members to make a quorum in the Committee of the Whole than it does now.

Mr. John Van Voorhis, of New York, made the point of order that no quorum had voted.

The Chairman (Hon. John G. Carlisle, of Kentucky) ruled:

"The Chair will now decide this point of order, as it is now presented directly. The point of order made is that it is necessary to have a quorum in order that the committee may rise. The Chair will decide, and in accordance with a large vote of this House in the Committee of the Whole during the last session of this Congress, that a quorum is not necessary to rise, which decision the Chair has here before him."

And there are other decisions that follow of the same tenor. But in the very nature of things, even if Speaker Carlisle had never made that decision, or nobody else had ever made it, it is absolutely necessary that the committee be permitted to rise without a quorum. If it were not so, the committee would stay here from now until Christmas, possibly.

Mr. GARDNER. If the Speaker will permit—

The SPEAKER. Certainly.

Mr. GARDNER. Means is provided by which a committee does rise without a quorum. What I am contending is that it is the House which ought to decide, and not the committee, on the question of adjournment. Now, what the Speaker read of Mr. Carlisle's ruling, as does the ruling of Mr. Payson, of Illinois, which immediately follows it, indicates the belief that the committee has as good a right to adjourn as the House, but I do not think that is sound. The committee has no right to adjourn if the House wishes to keep it in session, whereas I believe that the committee has no right to keep the House in session against its will.

It is quite conceivable that this committee, which we will say has had all through the day about 50 members, may be composed of those who do not wish to adjourn. On the other hand, the membership of the House, coming over from their offices, may desire to adjourn. If the Chair rules in the manner in which I am afraid that he is going to rule, it is evident that these Members coming from their offices are to have no opportunity to decide the question of adjournment. It seems to me clearly that the House is a higher authority than the Committee of the Whole House on the state of the Union. It seems to me that, so far as prior rulings are concerned, the only one squarely in point is that of Mr. Joseph C. S. Blackburn.

The SPEAKER. What does the gentleman from Massachusetts say about this ruling of Speaker Carlisle?

Mr. GARDNER. The decision of Speaker Carlisle goes to prove what the Chair said, and that is that the committee can rise without a quorum if it votes so to do. But suppose that we grant that that is true. Suppose that the committee is composed of men who do not want to rise, as obviously this committee is composed to-day. Is it not fair that the other Members shall have the right to insist that the House is an authority superior over the committee, and that the House shall have the right to decide whether it wishes the Committee of the Whole to adjourn?

The SPEAKER. The Chair knows; but the rule is positive. There is no question about the gentleman's contention that the House is a body of greater authority than the Committee of the Whole. But when the Committee of the Whole finds itself without a quorum anybody can raise that point, and then it is binding on the Committee of the Whole and on the Chairman and on everybody concerned to have a roll call, to find out whether or not there is a quorum of the committee here.

The only thing that the committee can do, if anybody raises a point of order and it is ascertained that no quorum is present, is to rise. Of course that is practically an adjournment of the committee. Now, if a committee, sitting after it secures a quorum, concludes that it wants to rise, it rises in the usual way by some one rising and making a motion for it to rise, and then, when the Chairman has made his report to the House, temporarily, that committee is functus officio, and the House takes charge of it; and if the House wants to go back into committee again, then some one simply makes a motion, and in this case it would be automatic, and back they would go. If it were not that way we never would get away.

Mr. MURRAY of Oklahoma. Mr. Speaker—

Mr. GARDNER. One moment, Mr. Speaker. Would the Speaker, if a Member rose for that purpose, entertain a motion to appeal from his ruling?

The SPEAKER. Of course.

Mr. GARDNER. How can he entertain an appeal from his ruling? That might require a ye-and-nay vote, and it would require a majority of the House to be present to vote on that appeal if the Chair rules in the way he has indicated.

The SPEAKER. The Chair knows. The gentleman made his motion and made a point of order, and the Chair overrules it; and the Chair thinks the gentleman has the right to appeal if he chooses to.

Mr. GARDNER. If the Chair has ruled, I appeal from the decision of the Chair.

The SPEAKER. The question is, Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the decision of the Chair will rise.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to lay the motion on the table. Those in favor of tabling the appeal will say "aye."

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARDNER. A division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] demands a division. Those in favor of tabling the appeal will rise and stand until they are counted.

At this point Mr. HARRISON assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore (after counting). On this vote the ayes are 112 and the noes are 26.

Mr. GARDNER. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. MURRAY of Oklahoma. Mr. Speaker, I want to make a suggestion in reply to the gentleman's statement.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. CONRY. Mr. Speaker, I raise a point of order that that motion is dilatory and not in order, for the reason that we have just had—

Mr. GARDNER. It is clearly not dilatory. The question of a quorum is raised for the purpose of deciding a very important question.

The SPEAKER pro tempore. The Chair will count to see if a quorum is present. [After counting.] On this vote there are 138 Members present, and the appeal is overruled. The Chair is sustained on the appeal by a vote of 112 to 26.

Mr. GARDNER. But I have raised a point of order that there is no quorum present.

At this point the Speaker resumed the chair.

The SPEAKER. There is a quorum of the Committee of the Whole that has to be here.

Mr. GARDNER. No, Mr. Speaker. This is a question of constitutional right. We are voting on a motion to table a certain proposition. If the vote were on the ruling itself, I should not be so sure; but the motion made was to table an appeal in the House, not in the Committee of the Whole. The mace is there in its place, the Speaker is in his place, and the House can not constitutionally transact business without a quorum.

The SPEAKER. The Chair thinks the gentleman is correct. One hundred and thirty-eight—no quorum present.

Mr. UNDERWOOD. The automatic rule applies there, Mr. Speaker.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of tabling the appeal will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 169, nays 52, answered "present" 7, not voting 205, as follows:

YEAS—169.

Abercrombie	Brown, N. Y.	Cox	Fergusson
Adair	Bryan	Crosser	Ferris
Adamson	Buchanan, Ill.	Cullop	Fields
Alexander	Buchanan, Tex.	Curry	FitzHenry
Aswell	Bulkley	Davenport	Flood, Va.
Bailey	Burgess	Decker	Fordney
Baker	Burnett	Dent	Foster
Baltz	Byrnes, S. C.	Dickinson	Fowler
Barkley	Byrnes, Tenn.	Dillon	Gallagher
Barnhart	Candler, Miss.	Dixon	Gallivan
Bartlett	Cantor	Donovan	Garner
Barton	Carr	Doolittle	Garrett, Tex.
Benkes	Church	Doremus	Gerry
Bell, Cal.	Clancy	Doughton	Gilmore
Blackmon	Claypool	Eagan	Glass
Booher	Collier	Eagle	Goodwin, N. C.
Borchers	Connelly, Kans.	Edwards	Goeck
Borland	Conry	Faison	Goodwin, Ark.
Brockson	Covington	Falconer	Gordon

Gray
Gregg
Hammond
Hardy
Harrison
Heflin
Helm
Helvering
Henry
Hensley
Holland
Hull
Igoe
Jacoway
Johnson, S. C.
Johnson, Wash.
Keating
Kennedy, Conn.
Key, Ohio
Kindel
Kinkaid, N. J.
Korbly
Lever
Levy

Lieb
McKellar
MacDonald
Maguire, Nebr.
Mahan
Mitchell
Moon
Morgan, La.
Morgan, Okla.
Morrison
Moss, Ind.
Murdock
Murray, Okla.
Neeley, Kans.
Neely, W. Va.
O'Brien
Oglesby
Oldfield
O'Leary
Padgett
Page, N. C.
Park
Peters, Mass.
Phelan

Plumley
Post
Quinn
Ragsdale
Rainey
Raker
Reed
Relly, Wis.
Roberts, Nev.
Rouse
Rubey
Russell
Seldomridge
Sharp
Sims
Sisson
Smith, Idaho
Stedman
Steenerson
Stephens, Tex.
Stevens, N. H.
Stone
Summers
Talcott, N. Y.

Taylor, Ark.
Taylor, N. Y.
Ten Eyck
Thacher
Thomas
Thompson, Okla.
Townsend
Tribble
Underhill
Vaughan
Vollmer
Walsh
Watkins
Watson
Weaver
Webb
Williams
Wilson, Fla.
Wingo
Witherspoon
Young, Tex.

NAYS—52.

Anderson
Austin
Avis
Britten
Cary
Cooper
Davis
Esch
Fess
French
Gardner
Gillett
Good

Greene, Mass.
Greene, Vt.
Hamilton, Mich.
Hayes
Helgesen
Hinds
Howell
Hulings
Humphrey, Wash.
Johnson, Utah
Kahn
Kelster
Kennedy, Iowa

Knowland, J. R.
La Follette
Lewis, Pa.
McKenzie
McLaughlin
Mapes
Moss, W. Va.
Nolan, J. I.
Norton
Paige, Mass.
Powers
Rogers
Sinnott

Sloan
Smith, Minn.
Smith, Saml. W.
Stephens, Cal.
Stevens, Minn.
Thomson, Ill.
Towner
Treadway
Volstead
Walters
Willis
Woods
Young, N. Dak.

ANSWERED "PRESENT"—7.

Browning
Burke, S. Dak.

Frear
Guernsey

Madden
Scott

Underwood

NOT VOTING—205.

Aiken
Alney
Allen
Ansberry
Anthony
Ashbrook
Barcliff
Bartholdt
Bathrick
Beall, Tex.
Bell, Ga.
Bowdie
Brodbeck
Broussard
Brown, W. Va.
Browne, Wis.
Bruckner
Brumbaugh
Burke, Pa.
Burke, Wis.
Butler
Calder
Callaway
Campbell
Cantrill
Caraway
Carew
Carlin
Carter
Casey
Chandler, N. Y.
Clark, Fla.
Clayton
Cline
Coady
Connolly, Iowa
Copley
Cramton
Crisp
Dale
Danforth
Deitrick
Dershem
Dies
Difenderfer
Donohoe
Dooling
Driscoll
Drukker
Dunn
Dupré
Dyer

Edmonds
Elder
Estopinal
Evans
Fairchild
Farr
Finley
Fitzgerald
Floyd, Ark.
Francis
Gard
Garrett, Tenn.
George
Gittins
Goldfogle
Gorman
Goulden
Graham, Ill.
Graham, Pa.
Green, Iowa
Griest
Griffin
Gudger
Hamill
Hamilton, N. Y.
Hamlin
Hardwick
Hart
Haugen
Hawley
Hay
Hayden
Hill
Hinebaugh
Hobson
Houston
Howard
Hoxworth
Hughes, Ga.
Hughes, W. Va.
Humphreys, Miss.
Johnson, Ky.
Jones
Kelley, Mich.
Kelly, Pa.
Kennedy, R. I.
Kent
Kettner
Kless, Pa.
Kinkaid, Nebr.
Kirkpatrick
Kitchen

Konop
Kreider
Lafferty
Langham
Langley
Lazaro
Lee, Ga.
Lee, Pa.
L'Engle
Lenroot
Leshler
Lewis, Md.
Lindbergh
Lindquist
Linthicum
Lloyd
Lobeck
Loft
Logue
Loneragan
McAndrews
McClellan
McCoy
McDermott
McGillcuddy
McGuire, Okla.
Maher
Manahan
Mann
Martin
Merritt
Metz
Miller
Mondell
Montague
Moore
Morin
Mott
Murray, Mass.
Nelson
O'Hair
O'Shaunessy
Palmer
Parker
Patten, N. Y.
Patton, Pa.
Payne
Peters, Me.
Peterson
Platt
Porter
Pou

Prouty
Rauch
Rayburn
Reilly, Conn.
Riordan
Roberts, Mass.
Rothermel
Rucker
Rupley
Sabath
Saunders
Scully
Sells
Shackelford
Shelley
Sherwood
Shreve
Slayden
Sleep
Small
Smith, J. M. C.
Smith, Md.
Smith, N. Y.
Smith, Tex.
Sparkman
Stafford
Stanley
Stephens, Miss.
Stephens, Nebr.
Stout
Stringer
Sutherland
Switzer
Taggart
Talbott, Md.
Tavener
Taylor, Ala.
Taylor, Colo.
Temple
Tuttle
Vare
Walker
Wallin
Whaley
Whitacre
White
Wilson, N. Y.
Wintrow
Woodruff

So the appeal was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BURKE of Wisconsin with Mr. FREAR.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SMITH of Texas with Mr. BARCHFIELD.

Mr. DALE with Mr. MARTIN.
 Mr. SLAYDEN with Mr. BURKE of Pennsylvania.
 Mr. AIKEN with Mr. BARTHOLDT.
 Mr. PALMER with Mr. VARE.
 Mr. SHERLEY with Mr. BUTLER.
 Mr. FITZGERALD with Mr. SWITZER.
 Mr. BELL of Georgia with Mr. BURKE of South Dakota.
 Mr. STEPHENS of Mississippi with Mr. SCOTT.
 Mr. GUDGER with Mr. GUERNSEY.
 Mr. MURRAY of Massachusetts with Mr. PAYNE.
 Mr. DEITRICK with Mr. DUNN.
 Mr. LEE of Pennsylvania with Mr. PORTER.
 Mr. HARDWICK with Mr. MANAHAN.
 Mr. GEORGE with Mr. LINDQUIST.
 Mr. DRISCOLL with Mr. MOTT.
 Mr. DONOHUE with Mr. LAFFERTY.
 Mr. CLARK of Florida with Mr. LANGHAM.
 Mr. ASHBROOK with Mr. FARR.
 Mr. BROWN of West Virginia with Mr. GRAHAM of Pennsylvania.
 Mr. TALBOTT of Maryland with Mr. MERRITT.
 Mr. CLAYTON with Mr. PETERS of Maine.
 Mr. COADY with Mr. GRIEST.
 Mr. DIFENDERFER with Mr. SLEMP.
 Mr. HAY with Mr. LANGLEY.
 Mr. TAVENNER with Mr. AINEY.
 Mr. SMALL with Mr. ANTHONY.
 Mr. ROTHERMEL with Mr. BROWNE of Wisconsin.
 Mr. MONTAGUE with Mr. CALDER.
 Mr. O'HAIR with Mr. CAMPBELL.
 Mr. ALLEN with Mr. COPLEY.
 Mr. ANSBERRY with Mr. CRAMTON.
 Mr. BATHRICK with Mr. DANFORTH.
 Mr. BOWDLE with Mr. DRUKKER.
 Mr. BRODBECK with Mr. DYER.
 Mr. BEALL of Texas with Mr. EDMONDS.
 Mr. BRUMBAUGH with Mr. HAMILTON of Michigan.
 Mr. CARAWAY with Mr. HAUGEN.
 Mr. CARTER with Mr. HAWLEY.
 Mr. CLINE with Mr. HINEBAUGH.
 Mr. DERSHEM with Mr. KELLEY of Michigan.
 Mr. WEBB with Mr. KELLY of Pennsylvania.
 Mr. GARD with Mr. KENNEDY of Rhode Island.
 Mr. GARRETT of Tennessee with Mr. KEISS of Pennsylvania.
 Mr. HOUSTON with Mr. KINKAID of Nebraska.
 Mr. HUGHES of Georgia with Mr. KREIDER.
 Mr. HUMPHREYS of Mississippi with Mr. LANGLEY.
 Mr. KETTNER with Mr. LINDERBERGH.
 Mr. KITCHIN with Mr. MCGUIRE of Oklahoma.
 Mr. LEE of Georgia with Mr. MONDELL.
 Mr. LEWIS of Maryland with Mr. MOORE.
 Mr. LESHER with Mr. NELSON.
 Mr. LLOYD with Mr. PATTON of Pennsylvania.
 Mr. POU with Mr. PROUTY.
 Mr. RAUCH with Mr. ROBERTS of Massachusetts.
 Mr. REILLY of Connecticut with Mr. RUPLEY.
 Mr. SABATH with Mr. SELLS.
 Mr. SAUNDERS with Mr. SHREVE.
 Mr. WALKER with Mr. J. M. C. SMITH.
 Mr. DUPRE with Mr. TEMPLE.
 Mr. ESTOPINAL with Mr. WINSLOW.
 Mr. EVANS with Mr. WOODRUFF.
 Until May 18:
 Mr. MCCLELLAN with Mr. MILLER.
 Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague, Mr. SCULLY. I wish to withdraw my vote and to be recorded present.
 Mr. FREAR. Mr. Speaker, is the gentleman from Wisconsin, Mr. BURKE, recorded as voting?
 The SPEAKER. He is not.
 Mr. FREAR. I had a pair with him on another question, and I will allow it to stand on this. I voted "no." I desire to withdraw my vote and to be recorded present.
 Mr. SCOTT. I voted "no." I desire to withdraw that vote, as I am paired with the gentleman from Mississippi, Mr. STEPHENS. I desire to be recorded present.
 Mr. UNDERWOOD. Mr. Speaker, I have a standing pair with the gentleman from Illinois, Mr. MANN, and he is not present. I voted "aye." I desire to withdraw that vote and to be recorded present.
 The result of the vote was announced as above recorded.
 Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.
 The SPEAKER. The gentleman will state it.
 Mr. GARDNER. Would it now be in order for the gentleman from Alabama [Mr. UNDERWOOD] to move to adjourn?

The SPEAKER. It would not. The Doorkeeper will unlock the doors.

The Chair wishes to state, while this matter is fresh in the minds of the Members, that in a desire to be absolutely fair the Chair leaned backward. He never ought to have entertained the appeal of the gentleman from Massachusetts [Mr. GARDNER] or anything else. The committee will resume its sitting.

Mr. MURDOCK. Will the Chair yield?

The SPEAKER. The Chair will listen to the gentleman.

Mr. MURDOCK. Ought not the Chair to have refused recognition to the gentleman from Massachusetts? But if the Chair decided the point, then did not the House have the right to pass upon it?

The SPEAKER. Of course, the gentleman is right. The Chair ought to have refused recognition at all. That was, in effect, what the Chair did finally.

Mr. MURDOCK. But after the Speaker had decided the point, then it was within the rights of the House to pass upon it.

The SPEAKER. I know; but the Speaker had no business to recognize the gentleman from Massachusetts, or anybody else, to do anything; and what has happened since convinces the Chair beyond any controversy in the world that he never ought to have recognized the gentleman from Massachusetts or anybody else to make any motion, because this illustrates precisely what could be done. You could keep going around in a circle, wasting time. The committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is in session for the further consideration of House bill 15578. The Clerk will proceed with the reading of the bill.

Mr. ANDERSON. Before we pass section 82, I should like to move to strike out the last two words. The section provides that—

The allowances for the personal compensation of the clerks of the district courts and circuit courts of appeal shall be made from the fees and emoluments of that year earned by them, respectively, and not otherwise.

The language "used by them, respectively," is new language. I would like to ask the chairman of the committee what is the effect of that language?

The CHAIRMAN. The Chair will state to the gentleman that section 82 has not yet been read. The Clerk will read.

The Clerk read as follows:

SEC. 82. The allowances for the personal compensation of the clerks of the district courts and circuit courts of appeal shall be made from the fees and emoluments of that year earned by them, respectively, and not otherwise.

Mr. ANDERSON. Now, Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman the effect of the new language in that section, on page 50, "earned by them, respectively."

Mr. WATKINS. Under the law as it formerly stood the clerk got fees up to \$3,500, and in earning those fees he received pay from those alone. Now clerks are placed on a salary of \$5,000, and it is only fees they earn themselves, each individual clerk, under the provision of this bill. They receive their pay out of those fees. If the bill is passed in the present form, they will receive \$5,000 and no more out of the fees earned respectively by each clerk and for that particular year. If he does not earn \$5,000 in amount, he does not get a \$5,000 salary.

Mr. ANDERSON. The effect of the language, then, is to limit the salary of the clerk to the amount of fees and emoluments earned by him?

Mr. WATKINS. Yes; provided it does not reach over \$5,000. All over that sum goes into the Treasury.

Mr. ANDERSON. I understand there has been a section passed over that provides for fixing the salary of the clerk, and it seems to me that this section ought to be passed over, too.

Mr. WATKINS. There is an amendment pending on that question, but it refers to the fees in naturalization cases, and that would not necessarily change the \$5,000 salary.

Mr. ANDERSON. Does the gentleman intend under this section that some clerks shall receive more salary than others?

Mr. WATKINS. No; all receive the same salary.

Mr. ANDERSON. The effect would be to limit the salary, so that it might be less.

Mr. WATKINS. If they did not earn it, they would not get it; but, as far as my examination of the records goes, they have earned that amount heretofore.

Mr. SCOTT. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SCOTT. Is there not an amendment pending relative to fixing the salary of deputy clerks?

Mr. ANDERSON. I think so.

Mr. SCOTT. Does not that affect directly this section because the compensation of the clerk is governed in part by the question of the fees of the deputy?

Mr. WATKINS. No; not those deputies certified to as necessary for the dispatch of business.

Mr. SCOTT. The deputy must be paid out of the earnings of the clerk, and if the earnings are under the limit allowed it will reduce the sum that the clerk is to be paid materially; the deputies do not draw the same salaries in all districts.

Mr. WATKINS. Under the present law most of the clerks receive a salary of \$3,500, and this bill adds \$1,500 to the salary of the clerks. That is a little higher compensation than they have received heretofore. But it must be borne in mind that the clerks of the district court have not been called upon heretofore to perform the work for the circuit court which is now abolished.

Mr. ANDERSON. The one question I intended to raise was whether this section ought not to be passed over in view of the fact that a section affecting the salary has been passed over.

Mr. WATKINS. No; the object in passing over the former section was to make an inquiry of the Bureau of Naturalization to determine whether that particular section should be amended or rewritten to conform to the naturalization laws particularly.

Mr. WILLIS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WILLIS. If I understand the effect of this new language in this paragraph, it is to provide that in no case shall a clerk receive more than \$5,000, and he may receive less in the event that his fees do not amount to that much in any one year. What I want to ask is, is that cumulative? Suppose the fees earned were \$4,000 in one year and in the next \$7,000.

Mr. WATKINS. It must depend on the salary for each year.

Mr. SCOTT. Mr. Chairman, I move to strike out the last two words. This section limits the payment of personal compensation of a clerk to the fees personally earned by such clerk. As I have been informed there has been introduced an amendment to a previous section which will take the deputy clerks out of their present class and place them on a salary.

Mr. WATKINS. I have not had an opportunity to examine that amendment; it is in the form of a bill that was introduced some time ago, and it has just been offered as an amendment this afternoon.

Mr. SCOTT. I will say to the gentleman that that bill does provide for placing the deputy clerks on a salary. At the present time the clerks are required to pay the deputies out of the moneys received by the office and as a part of the expenses of the office. Now, under that rule, of course it reduces the total net receipts of the office and would affect the compensation of the clerks under this bill if the total receipts of the office only exceeded the amount of the maximum salary of the clerk by a small amount. That being true, it is quite likely that this section will be directly affected by that amendment. It will directly affect that amendment in all cases where the net receipts of the clerk's office are less than the maximum amount of his salary plus the salary of the deputy. In that case, it seems to me that this section should be passed, and considered in connection with those other sections, because it is inseparably connected. If the gentleman will read that bill, which, as I understand, he has not had time to examine, he will see then that such is the case.

Mr. WATKINS. Mr. Chairman, we can not contemplate something that may be passed hereafter. If we find out that any law is passed that will conflict with any section in the bill, then will be time enough to remedy the defect.

Mr. SCOTT. Mr. Chairman, I am making the suggestion only because I understood that other sections had been passed upon that theory.

Mr. WATKINS. Just the one on the question of fees in naturalization cases. That is all.

The CHAIRMAN. The pro forma amendment will be withdrawn.

Mr. HEFLIN. Mr. Chairman, I desire to ask the gentleman from Louisiana a question. This does not apply to deputy marshals?

Mr. WATKINS. Not in this section.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 85. Before any bill of costs shall be taxed by any judge or other officer, or any account payable out of the money of the United States shall be allowed by any officer of the Treasury in favor of clerks, marshals, district attorneys, assistant district attorneys, or United States commissioners, the party claiming such account shall render the same, with the vouchers and items thereof, to the United States district court, and in the presence of the district attorney or his sworn assistant, whose presence shall be noted on the record, prove in open court, to the satisfaction of the court, by his own oath or that of other persons having knowledge of the facts, to be attached to such account, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law and just. Accounts and vouchers of clerks, marshals, district attorneys, assistant district attorneys, and United States commissioners shall be made in duplicate, to be marked, respectively, "original" and "duplicate." And it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the Attorney General, and to retain the duplicates in his office, where they shall be open to public inspection at all times. United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court. Before transmission to the Department of the Treasury, the accounts of district attorneys, assistant district attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, and accounts relating to prisoners convicted or held for trial in any court of the United States, and all other accounts relating to the business of the Department of Justice or of the courts of the United States other than consular courts, shall be sent with their vouchers to the Attorney General and examined under his supervision. The Attorney General, after the examination of said accounts and vouchers under his supervision, shall transmit the same to the Treasury Department for the examination and certification of the accounting officers, in the manner provided in case of other public accounts: *Provided*, That no accounts of fees paid to any juror or fees or expenses paid to any witness upon the order of any judge or commissioner shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or expenses.

Mr. WATKINS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 52, line 8: After the word "that," strike out the remainder of the section and insert in lieu thereof the following: "The necessary office expenses of the clerks of the district courts shall be allowed, when approved by the Attorney General: *Provided further*, That no accounts of fees paid to any juror, or fees or expenses paid to any witness, upon the order of any judge or commissioner, shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or expenses."

Mr. ANDERSON. Mr. Chairman, I think the chairman ought to explain that amendment.

Mr. WATKINS. Mr. Chairman, I will be very glad to explain it. It is in line with the other enactments on previous sections. The clerk of the court is governed by a fee bill and has collected his pay from the fees of his office. He still collects his salary from the fees of his office as heretofore. It is to the Government's interest that there should be a report made and an examination, so that they can verify the fees which are claimed to be earned and can ascertain which fees had been earned and had not been collected, and the clerk can be held responsible for efforts on his part to make the collection. That is one proposition. The other is that it makes it in harmony with the provisions relating to the other officers which have been heretofore disposed of.

Mr. ANDERSON. Mr. Chairman, there is some language in the bill just preceding the amendment which reads as follows:

The Attorney General, after the examination of said accounts and vouchers under his supervision, shall transmit the same to the Treasury Department for the examination and certification of the accounting officers in the manner provided in case of other public accounts.

Do I understand that it is the intention to give the auditors in the Treasury Department the right to readit the accounts which have been audited by the Attorney General?

Mr. WATKINS. The facts are that heretofore those accounts have gone directly to the Treasury Department, wherever it was necessary to refer them at all—that is, where they had a supervision of them—but now this provision is that they shall go directly to the Attorney General, because he is in the Department of Justice, and he is supposed, from the dockets and the reports that he has, to be in touch with that line of work. It goes first to the Attorney General's office, and then is rechecked in the Treasury Department, which makes a double checking.

Mr. ANDERSON. My impression is that the purpose of the audit primarily in the Treasury Department is to determine whether the expenditure is authorized by law. I do not see just how that question can arise in the case of accounts or vouchers to be audited by the Attorney General under this section.

Mr. WATKINS. It does not substantially change the law. It does change the procedure slightly. It has always been the

rule that they must be checked up, that they must be verified. They went first to the Treasury Department, and whatever checking was done in the Department of Justice was done after the Treasury Department had checked them.

Mr. ANDERSON. I do not see why it is necessary to make the change.

Mr. WATKINS. It makes it primarily the duty of the Department of Justice to verify the accounts, to check them up, and after the Attorney General has passed on them they go to the Treasury Department for rechecking.

Mr. ANDERSON. It seems to me to be an unnecessary and absurd proposition.

Mr. WATKINS. I do not know that it is unnecessary to have these claims carefully investigated.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, the House has had a very strenuous day, and I think everybody here is very tired, and those who are away from here are evidently not very much interested, and I suggest the absence of a quorum.

Mr. WATKINS. Mr. Chairman, I recognize the fact that we have had a very arduous day, although slow progress has been made for the amount of time we have consumed, and I agree with the gentleman from Illinois that the best thing we can do is to adjourn, and I therefore move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCGILLICUDDY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Edward Kelley, H. R. 7154, Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SLEMP, for 10 days, on account of important business.
To Mr. GORDON, for 3 days, on account of important business.

MINORITY VIEWS ON HOUSE JOINT RESOLUTION 250.

Mr. RAKER. Mr. Speaker, House joint resolution 250 had a report filed thereon, No. 579. I obtained unanimous consent last week to file a minority report, since which time the original report has been withdrawn—day before yesterday—and permission given to file a new report. I now ask unanimous consent for 10 days in which the minority members may file a report to the new report when it is filed.

The SPEAKER. What bill is that?

Mr. RAKER. House joint resolution 250.

The SPEAKER. What is it about?

Mr. RAKER. It authorizes and directs the Secretary of the Interior to make classification of unreserved public lands.

The SPEAKER. The gentleman from California asks unanimous consent for 10 days in which to file the views of the minority on House joint resolution 250. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I think that the gentlemen who are interested on the other side of this case should be here when this request is made.

Mr. CANTOR. I will state to the gentleman that I am a member of that committee, and I am on the other side, and that there will be no objection on the part of the committee to granting the request of the gentleman from California.

Mr. RAKER. I want to say to the gentleman from Illinois that night before last, when there were but a few here, the original report filed was asked to be withdrawn and a new report substituted without coming before the committee. Now, I think the minority members, who have given this matter a good deal of study and consideration, ought to be permitted to file their views upon the matter.

Mr. MADDEN. Have they filed any views?

Mr. RAKER. Not yet.

Mr. ANDERSON. Does not the gentleman think he ought to give the chairman of the committee notice to be present to say whether or not he would object?

Mr. RAKER. I desire to say I have been a member of the committee that has been working on these matters, and the last report was withdrawn and consent was given to file a new report. Now, undoubtedly the members of the committee who have been investigating and working on this matter ought to have time in which to file their views, so that the matter may come before the House properly.

Mr. GARDNER. Will the gentleman yield?

Mr. RAKER. I do.

Mr. GARDNER. Is there any possibility of getting this bill up in the next 10 days?

Mr. RAKER. No.

Mr. GARDNER. Hence if the House grants 10 days in which to file the minority views it would not delay the bill.

Mr. RAKER. No; there is no way on earth that I can see. Under the program passed that we will take up certain matters, it will take the House for the next two weeks and more.

Mr. GARDNER. The gentleman is cognizant of where the call of committees rests?

Mr. RAKER. Yes.

Mr. GARDNER. And does not think anything would be lost?

Mr. RAKER. No.

Mr. BRYAN. The gentleman states this is not a resolution included in the Democratic caucus' special program?

Mr. RAKER. It is not.

Mr. BRYAN. Then what is the difference whether the minority reports or anybody agrees on those things?

Mr. RAKER. Simply because I do not propose, if I can help it, to let a resolution lie here from a committee of which I am a member and to which I have given consideration and to which I am opposed without filing the views of the minority of that committee, so that the House will have the benefit of them, or letting it go through without Members having an opportunity to see them.

Mr. BRYAN. This has not any reference to the Democratic caucus' special program?

Mr. RAKER. It has not.

Mr. MADDEN. I suggest that the gentleman have five days. He ought not to object to that.

Mr. CANTOR. It makes no difference whether it is five or ten.

Mr. MADDEN. It may. It may be that there are gentlemen in the committee who will want to call this bill up within 10 days.

The SPEAKER. Does the gentleman from California [Mr. RAKER] change his request?

Mr. RAKER. Why, yes.

The SPEAKER. Is there objection to the gentleman having five days? [After a pause.] The Chair hears none.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4167, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio [Mr. KEY] asks unanimous consent to take the bill just reported from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. KEY of Ohio. To insist on the House amendments and agree to a conference.

The SPEAKER. Insist on the House amendments and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none.

The Chair appoints the following conferees: Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS.

Mr. KEY of Ohio. I also ask for a similar order on the bill S. 4260.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees as on the previous bill.

Mr. KEY of Ohio. Mr. Speaker, I ask for a similar order on the bill S. 4353.

The SPEAKER. The Clerk will report the bill by title.
The Clerk read as follows:

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees as on the previous bills.

Mr. KEY of Ohio. Mr. Speaker, I ask for a similar order on the bill S. 4657.

The SPEAKER. The Clerk will report the bill by title.
The Clerk read as follows:

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none, and the Chair appoints the same conferees as on the previous bills.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until Thursday, May 14, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting list of acceptances issued by the Department of the Treasury for sites for public buildings and submitting estimates for the necessary appropriations therefor (H. Doc. No. 975), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea, reported the same with amendment, accompanied by a report (No. 671), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 15301) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of brigadier general on the retired list of the United States Army without increase of pay, reported the same with amendment, accompanied by a report (No. 670), which said bill and report were referred to the Private Calendar.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy, reported the same without amendment, accompanied by a report (No. 672), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BAILEY: A bill (H. R. 16509) to amend subsection 9 of section 4 of the act entitled "An act to amend and codify the laws relating to municipal corporations in the District of

Alaska," approved April 28, 1904; to the Committee on the Territories.

By Mr. ADAMSON: A bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes; to the Committee on Military Affairs.

By Mr. SELDOMRIDGE: A bill (H. R. 16511) to amend the acts of July 1, 1862, and July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 16512) authorizing the Secretary of War to donate to E. B. Young Post, No. 87, and Yeager Post, No. 13, Grand Army of the Republic, Department of Pennsylvania, Allentown Pa., two cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 16513) to amend an act amending section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved March 3, 1913; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Resolution (H. Res. 514) to provide for the consideration of H. J. Res. 1; to the Committee on Rules.

By Mr. SHARP: Resolution (H. Res. 515) to provide for the consideration of sundry items in the Diplomatic and Consular appropriation bill (H. R. 15762); to the Committee on Rules.

By Mr. MONDELL: Joint resolution (H. J. Res. 266) authorizing and validating certain exchanges of land between the United States and the several States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. CANTRILL: A bill (H. R. 16515) for the relief of Henry Richardson and others; to the Committee on Claims.

By Mr. CHURCH: A bill (H. R. 16516) granting a pension to Jay A. Griffith; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16517) granting a pension to John M. Unsell; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 16518) granting an honorable discharge to James Neal; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 16519) granting an increase of pension to George W. Wolfe; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 16520) to grant an honorable discharge to Paschal C. Hibbs; to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 16521) granting a pension to James F. Mitchell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 16522) granting an increase of pension to Michael Petty; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 16523) granting a pension to Louis Naegle; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. HARRISON: A bill (H. R. 16525) for the relief of the estate of Robert Moore; to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 16526) granting a pension to Alta M. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) for the relief of Isabel E. Rockwell; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 16528) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Phillip Hudspeth; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 16529) granting a pension to Mary E. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16530) granting an increase of pension to George Lovett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. MCCOY: A bill (H. R. 16532) granting a pension to Margaret M. Van Nortwick; to the Committee on Pensions.

Also, a bill (H. R. 16533) granting a pension to Mary Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16534) to provide for the refund of certain duties incorrectly collected on rough and faced opals; to the Committee on Claims.

By Mr. ROGERS: A bill (H. R. 16535) granting a pension to Mary E. Sweetser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Francis J. O'Hearn; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16537) granting an increase of pension to Alfred P. Haskill; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 16538) granting an increase of pension to Lewis H. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16539) granting an increase of pension to Lizzie Waltz; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 16540) granting an increase of pension to Benjamin P. Holmes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions from certain citizens of Clarinda, Iowa; Craig, Mo.; McConnellsburg, Pa.; Newark, Del.; Waterman, Ill.; Pittsburgh, Pa.; Ewart, Pa.; Altoona, Ill.; Briggsville, Ill.; Brooklyn, N. Y.; Wilmington, Del.; Passaic, N. J.; Ackley, Iowa; New York, N. Y.; River Forest, Ill.; Gloversville, N. Y.; Equality, Ill.; Springfield, Ill.; Charlestown, Ill.; Woonsocket, R. I.; Harrisville, Pa.; Fairton, N. J.; Crestline, Ohio; Madrid, N. Y.; Wappinger Falls, N. Y.; Moline, Ill.; Arlington, Ill.; Delhi, N. Y.; Eau Claire, Pa.; St. Paul, Minn.; Airville, Pa.; Ipava, Ill.; Keokuk, Iowa; Bellaire, Ohio; Minneapolis, Minn.; Monticello, N. Y.; Valatie, N. Y.; Albany, N. Y.; Mattawan, N. Y.; Montello, Wis.; Thompson Ridge, N. Y.; Joy, N. Y.; West Liberty, Pa.; and Burlington, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of La Grange, Tex., and New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of the Military Order of the Loyal Legion, relative to allegiance to the General Government, etc.; to the Committee on the Judiciary.

Also (by request), resolutions of certain citizens of Cincinnati, Ohio; Washington, Pa.; Niagara Falls, N. Y.; Herington, Kans.; New Castle, Pa.; Welford, S. C.; Rochester, N. Y.; Lincoln, Kans.; Oil City, Pa.; Meriden, Iowa; Viola, Ill.; Hudson, Wis.; Des Moines, Iowa; Reading, Minn.; Buda, Ill.; Adel, Iowa; East Unity, Pa.; Hopkinton, Iowa; Calmoun, Pa.; New York City, N. Y.; Little Valley, N. Y.; Le Roy, Minn.; and Ottumwa, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAIR: Petition of various voters of Fall Creek Township, Madison County, and Pendleton, Ind., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Muscogee County, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AVIS: Resolution adopted at a mass meeting in the city of Parkersburg, W. Va., certified to by Mrs. Milton McNeillan, chairman of said meeting, favoring woman-suffrage amendment; also, resolution adopted at suffrage meetings held in Wheeling, W. Va., May 1 and 2, 1914, certified to by Miss Anne M. Cummins, corresponding secretary, favoring woman-suffrage amendment; also, resolution adopted at suffrage meetings held in Wheeling, W. Va., May 1 and 2, 1914, certified to by Miss Florence Hoge, president Wheeling Equal Suffrage Association, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of William Van Buren, H. A. Coffman, R. F. Lewis, and 39 other citizens of Pocahontas County; of P. L. Houghton and 31 other citizens of Upshur County; of W. E. Dollman, E. B. Hinman, and 49 other citizens of Charleston; and of S. F. Boling and 13 other citizens of Fayette County, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of the Bay View Reading Club, of Lewiston, Pa., relative to Government acquiring Monticello, home of Thomas Jefferson; to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: Petitions of the Holekamp Lumber Co., the Western Refrigerator & Manufacturing Co., the Stecker Cooperage Works, the St. Louis Hardware Manufacturing Co., the American Stove Co., the J. B. Sickles Saddlery Co., the P. K. Engineers, Andrew Meyer, sr., Andrew Meyer, jr., and Jacob Ruedl, all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Union of Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

Also, petition of the executive committee of the American Peace Society and the New York Peace Society, favoring mediation with Mexico; to the Committee on Foreign Affairs.

Also, petition of 53 business firms of Kansas City, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 63 citizens of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petitions of F. Courvoisier, the Peelers Pharmacy Co., and the Western Optical Co., all of St. Louis, Mo., in favor of House bill 13305, to prevent discrimination in prices; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the St. Louis Turn Bezirk (5,000 members), the Central National Bank, the Chippewa Bank, the German-American Bank, the German Savings Institution, the Kellermann Contracting Co., the Hartmann Bricklaying & Contracting Co., the H. H. Weber & Sons Nursery Co., the A. Graf Distilling Co., the Missouri Tent & Awning Co., and the Liquid Carbonic Co., all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of a public meeting at Chicago, Ill., in favor of a peaceful settlement of the Mexican troubles; to the Committee on Foreign Affairs.

Also, petitions of the Stewart-Greer Lumber Co. and the Boatmen's Bank of St. Louis, Mo., and William Volke & Co., of Kansas City, Mo., in favor of House bill 14328, relative to transmission of false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petitions of the faculty and students of Spring Arbor Seminary, of Spring Arbor; members of the Presbyterian Church of Concord; faculty of the Michigan State Normal College, of Ypsilanti, all of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petitions of various churches representing 885 citizens of Glendora, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 17 citizens of Camden County, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 64 citizens of Salem, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Camden, Gloucester, and Salem Counties, all in the State of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of 1,400 voters of the sixth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 175 voters of the sixth congressional district of New York, protesting against passage of national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of Milwaukee Lodge, No. 46, Benevolent and Protective Order of Elks, against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petitions of the University Club and the Woman Suffrage Association of Racine, and sundry citizens of Waukesha, Kenosha, and Milton Junction, all in the State of Wisconsin, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DALE: Petitions of various business firms of New York and 85 voters of the fourth congressional district of New York, protesting against passage of national prohibition; to the Committee on the Judiciary.

Also, petition of the Federal Civil Service Society of New York, favoring passage of House bill 15222, relative to compensation for Federal employees who become incapacitated; to the Committee on the Judiciary.

Also, petition of the American Association of Foreign Language Newspapers, relative to deaths and injuries of our men at Vera Cruz; to the Committee on Military Affairs.

Also, memorial of the National Association of Vicksburg Veterans, relative to appropriation for reunion of Civil War and Confederate veterans at Vicksburg, Miss.; to the Committee on Military Affairs.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the same conferees as on the previous bills.

Mr. KEY of Ohio. Mr. Speaker, I ask for a similar order on the bill S. 4657.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none, and the Chair appoints the same conferees as on the previous bills.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until Thursday, May 14, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting list of acceptances issued by the Department of the Treasury for sites for public buildings and submitting estimates for the necessary appropriations therefor (H. Doc. No. 975), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea, reported the same with amendment, accompanied by a report (No. 671), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 15301) authorizing the appointment of Maj. George A. Ames, retired, to the rank and grade of brigadier general on the retired list of the United States Army without increase of pay, reported the same with amendment, accompanied by a report (No. 670), which said bill and report were referred to the Private Calendar.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy, reported the same without amendment, accompanied by a report (No. 672), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BAILEY: A bill (H. R. 16509) to amend subsection 9 of section 4 of the act entitled "An act to amend and codify the laws relating to municipal corporations in the District of

Alaska," approved April 28, 1904; to the Committee on the Territories.

By Mr. ADAMSON: A bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes; to the Committee on Military Affairs.

By Mr. SELDOMRIDGE: A bill (H. R. 16511) to amend the acts of July 1, 1862, and July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 16512) authorizing the Secretary of War to donate to E. B. Young Post, No. 87, and Yeager Post, No. 13, Grand Army of the Republic, Department of Pennsylvania, Allentown Pa., two cannon or fieldpieces, to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 16513) to amend an act amending section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved March 3, 1913; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Resolution (H. Res. 514) to provide for the consideration of H. J. Res. 1; to the Committee on Rules.

By Mr. SHARP: Resolution (H. Res. 515) to provide for the consideration of sundry items in the Diplomatic and Consular appropriation bill (H. R. 15762); to the Committee on Rules.

By Mr. MONDELL: Joint resolution (H. J. Res. 266) authorizing and validating certain exchanges of land between the United States and the several States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. CANTRILL: A bill (H. R. 16515) for the relief of Henry Richardson and others; to the Committee on Claims.

By Mr. CHURCH: A bill (H. R. 16516) granting a pension to Jay A. Griffith; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16517) granting a pension to John M. Unsell; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 16518) granting an honorable discharge to James Neal; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 16519) granting an increase of pension to George W. Wolfe; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 16520) to grant an honorable discharge to Paschal C. Hibbs; to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 16521) granting a pension to James F. Mitchell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 16522) granting an increase of pension to Michael Petty; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 16523) granting a pension to Louis Naegle; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. HARRISON: A bill (H. R. 16525) for the relief of the estate of Robert Moore; to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 16526) granting a pension to Alta M. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) for the relief of Isabel E. Rockwell; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 16528) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Phillip Hudspeth; to the Committee on Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 16529) granting a pension to Mary E. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16530) granting an increase of pension to George Lovett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 16532) granting a pension to Margaret M. Van Nortwick; to the Committee on Pensions.

By Mr. J. I. NOLAN: Petition of the Beer Bottlers' Union, No. 295, of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Union of United Brewery Workers of America and Central Federated Union of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, protest of Gustave Ericsson, of San Francisco, Cal., and 1,247 other citizens, against the passage of the Hobson nationwide prohibition resolutions; to the Committee on the Judiciary.

Also, protest of Mr. Con Sigrist, of San Francisco, Cal., and 703 other citizens, against the passage of the Hobson nationwide prohibition resolutions, forwarded through the Beer Bottlers' Union, No. 293, of San Francisco, Cal.; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of the American Association of Foreign Language Newspapers; Jacob Ruppert, of New York; and the International Union of the United Brewery Workmen of America, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PALMER: Resolution of the Manufacturers' Association of Erie, Pa., protesting against immediate action on trust bills; to the Committee on the Judiciary.

Also, petition of the Sunday School Association of Stroudsburg, 66 citizens of Easton, the Woman's Christian Temperance Union of Matamora, and 70 citizens of Freemansburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Tariff Reform League of New York, N. Y., relative to canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petitions of the American Association of Foreign Language Newspapers; J. Quinlin, jr., of Boston, Mass.; and three citizens of New Haven, Conn., against national prohibition; to the Committee on the Judiciary.

Also, petition of various members of the Main Street Baptist Church, of Meriden, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the New Haven Political Equality Club, the Wallingford Equal Franchise League, the Congressional Union for Woman Suffrage, and the New Haven Equal Franchise League, all in the State of Connecticut, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. ROBERTS: Petition of sundry citizens of Reno, Fallon, Vassor, Ely, and Battle Mountain, all in the State of Nevada, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of the fifth congressional district of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of 374 voters of the third congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of sundry citizens of the fourteenth congressional district of Texas, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protest of 2 citizens of Allen, 6 citizens of Hillsdale, and others, all in the State of Michigan, against Sunday-observance bill, H. R. 7826; to the Committee on the District of Columbia.

Also, papers to accompany House bill 16380, for pension to George Federbaum; to the Committee on Pensions.

By Mr. SMITH of Idaho: Memorial of the Midway Branch of the Idaho Congress of Mothers, favoring passage of the Smith-Hughes bill, to censor motion-picture films; to the Committee on Education.

Also, petition of Fritz Shlufert, of Silver City, Idaho, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of the Richmond Club, of Buffalo, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the International Molders' Union, of Lancaster and Depew, N. Y., protesting against the policy of the United States Government in the Colorado strike; to the Committee on the Judiciary.

Also, memorial of the memorial and executive committee of the city of Buffalo, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of sundry citizens of Buffalo, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry organizations, favoring passage of the Bristow-Mondell resolution, relative to franchise for women; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of the Coleman Methodist Episcopal Church, the Woman's Christian Temperance Union of

Zephyrhills, and sundry citizens of Tarpon Springs, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEVENS of New Hampshire: Petition of 36 citizens of North Walpole, N. H., and 13 telegrams from sundry citizens of Berlin, N. H., against nation-wide prohibition; to the Committee on the Judiciary.

Also, petitions of 30 citizens of South Acworth; 13 members of the South Acworth Woman's Christian Temperance Union; 150 members of the Franklin Woman's Christian Temperance Union; 110 members of the Methodist Episcopal Church of Sunapee; 36 members of the Woman's Christian Temperance Union of Sunapee; 2,600 members of the New Hampshire Woman's Christian Temperance Union, of Manchester; 197 members of the Baker Memorial Methodist Episcopal Church Sunday School, Concord; Woman's Christian Temperance Union of Colebrook; 200 members of the Woman's Christian Temperance Union of Groveton; 25 members of the Young People's Branch of the Woman's Christian Temperance Union, Groveton; 100 members of the Methodist Episcopal Church of Groveton; 250 members of the Coos County Woman's Christian Temperance Union, of Groveton; 44 members of the Loyal Temperance Legion of Groveton; 30 members of the Superintendents' Conference of the New Hampshire Woman's Christian Temperance Union, Nashua; 1,420 members of the Merrimack County Christian Endeavor Union, Penacook; 75 members of the Bible School of the First Congregational Church of Hudson; 200 members of the Deerfield Congregational Church; 110 members of the Union Avenue Baptist Church Sunday School; 150 members of the First Congregational Church of Hudson; ex-Gov. David H. Goodell and 4,241 voters, all in the State of New Hampshire, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of ex-Gov. David H. Goodell and 4,241 other voters of New Hampshire, praying for the adoption of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petitions of the Young People's Christian Union of McDonald; sundry citizens of Beaver County; J. W. Wilson and others, of Beaver Falls; and Boethian class of the First Presbyterian Church of Cannonsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of employees of Locks Nos. 4, 5, and 6, on the Ohio River, in support of House bill 11522, to fix salaries of certain employees of the United States Government; to the Committee on Reform in the Civil Service.

By Mr. TREADWAY: Petitions of sundry citizens of the first congressional district of Massachusetts, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, May 14, 1914.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee lifting up our hearts to the true and living God, because Thou hast put into our hands a commission more sacred, more binding than any commission that we can receive from our fellow men. Thou hast appointed us as kings and priests unto God. Thou hast put us in the world in pursuit of truth. Thou hast put over us the King of Truth. Thou dost call upon us to make any sacrifice to attain to this great end. We have found that the truth is not attained except through human struggle. We pray that we may have grace to follow on in this sacred pursuit by self-sacrifice, by struggle, holding nothing so dear of worldly good or honor as our pursuit of truth. And when we find it, may the truth indeed set us free. To this end do Thou guide us this day and every day, for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
May 14, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.